



**City Commission Meeting
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
December 17, 2014**

Mayor Philip Levine
Vice-Mayor Joy Malakoff
Commissioner Michael Grieco
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting date. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Meeting called to order at 8:32:38 a.m.

8:52:37 a.m.

Invocation given by Reverend Pedro Martinez, volunteer with the City of Miami Beach Homeless Outreach Program.

Pledge of Allegiance led by Police Chief Dan Oates.

ADDENDUM MATERIAL 1:

R9N R9O R9P

ADDENDUM MATERIAL 2:

R9Q

ADDENDUM MATERIAL 3:

C7K

SUPPLEMENTAL MATERIAL 1:

R10A Memorandum

SUPPLEMENTAL MATERIAL 2:

C6A Memorandum

SUPPLEMENTAL MATERIAL 3:

C7F Memorandum & Resolution

C7G Revised Memorandum & Resolution

R5L Revised Ordinance

ADDENDUM AGENDA

8:57:06 a.m.

ACTION: Motion made by Commissioner Weithorn to add items C7K, R9N, R9O, R9P and R9Q to the Commission Agenda; seconded by Commissioner Grieco; Voice-vote: 6-0.

Presentations and Awards

Presentations and Awards will take place on December 18, 2014.

8:55:00 a.m.

Rafael E. Granado, City Clerk, announced corrections, notations, added and withdrawn items from the Commission Agenda and read the following separated items into the record:

SEPARATED ITEMS:

C6B Separated by Commissioner Grieco

C2A, C7G and C7J (1-2) Separated by Commissioner Weithorn

Handouts or Reference Materials:

1. List of separated items

CONSENT AGENDA

9:05:18 a.m.

ACTION: Motion made by Commissioner Weithorn; seconded by Commissioner Grieco to approve the Consent Agenda except separated items; Voice-vote: 5-0; Absent: Commissioners Tobin and Wolfson.

C2 - Competitive Bid Reports**9:09:09 a.m.**

- C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2015-043-WG For Audit Services For Resort Taxes And Other Internal Audits.
(Internal Audit/Procurement)

ACTION: Item separated by Commissioner Weithorn. Request awarded. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Malakoff to award the request; Voice-vote: 5-0; Absent: Commissioners Tobin and Wolfson. **James Sutter and Alex Denis to handle.**

Commissioner Weithorn asked to change part of this item, specifically page 48, section B, to add: "experience providing accounting and auditing services or forensic accounting to local governments." Forensic accounting experience should be added, because she believes it is preferable in this case to traditional accounting.

The City Commission agreed.

- C2B Request For Approval To Award Contracts Pursuant To Invitation To Bid (ITB) 2014-195-LR For Grounds Maintenance Of Parks And Athletic Fields.
(Parks & Recreation/Procurement)

ACTION: Request awarded. **John Rebar and Alex Denis to handle.**

Handouts or Reference Materials:

1. Letter dated December 11, 2014 to Everglades Environmental Care, Inc., RE: ITB No. 2014-195-LR for grounds maintenance – Parks and athletic fields, from Alex Denis, Procurement Director.

- C2C Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) 2015-010-WG For The Lease Of Golf, Personnel Carts, Turf Vehicles And GPS System; And, Further, Authorize The Administration To Finalize The Terms And Conditions Of A Required Lease Agreement With E-Z-Go Division Of Textron; And, Further, Authorize The Administration To Negotiate Month-To-Month Terms With The Current Provider Of The City's Golf Cart Fleet, Also E-Z-Go Division Of Textron, Until Such Time As The New Fleet Of Golf Carts Is Delivered, Pursuant To ITB 2015-010-WG.

(Parks & Recreation/Procurement)

ACTION: Request awarded. **John Rebar and Alex Denis to handle.**

Handouts or Reference Materials:

1. Letter dated December 11, 2014 to Club Car, LLC, RE: ITB No. 2015-010-WG for the lease of golf, personnel carts, turf vehicles and GPS system, from Alex Denis, Procurement Director.

- C2D Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) 2015-011-WG For The Lease Of Police Motorcycles And To Authorize The City Manager To Negotiate And Execute A Lease Agreement.

(Police/Procurement)

ACTION: Request awarded. **Police Chief Oates and Alex Denis to handle.**

Handouts or Reference Materials:

1. Letter dated December 11, 2014 to Peterson's Harley Davidson of Miami, LLC, RE: ITB No. 2015-011-WG for the lease of police motorcycles, from Alex Denis, Procurement Director.

- C2E Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-229-JR For The 79th Street Beachwalk Extension, Located Along 79th Street Between Atlantic Way And The North Beach Recreational Corridor (NBRC) Beachwalk.

(Public Works/Procurement)

ACTION: Request awarded. **Eric Carpenter and Alex Denis to handle.**

Handouts or Reference Materials:

1. Letter dated December 8, 2014 to Solo Construction, Inc., RE: ITB No. 2014-229-JR for 79 Street Beachwalk Extension, from Alex Denis, Procurement Director.

C4 - Commission Committee Assignments

- C4A Referral To The Next Finance And Citywide Projects Committee Regarding A Funding Time Line For The New Teen Center.

(Sponsored by Commissioner Deede Weithorn)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **John Rebar to handle.**

- C4B Referral To The January 7, 2015 Finance And Citywide Projects Committee - Discuss City Manager Jimmy Morales' Letter Dated December 1, 2014 Regarding His Employment Contract.

(Sponsored by Commissioner Deede Weithorn)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Sylvia Crespo-Tabak to handle.**

- C4C Referral To The January 7, 2015 Finance And Citywide Projects Committee - Discussion Regarding Entering Into An Employment Agreement With The City Clerk.

(Sponsored by Commissioner Deede Weithorn)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Sylvia Crespo-Tabak to handle.**

- C4D Referral To The Finance And Citywide Projects Committee - Changes In Indexes Used For Reimbursement Of Travel Expenses.
(Budget & Performance Improvement)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **John Woodruff to handle.**

- C4E Referral To The Finance And Citywide Projects Committee - Discussion Regarding Partial Payments Of Annual And Sick Leave For Participants Of The Deferred Retirement Option Plan (DROP).
(Sponsored by Commissioner Deede Weithorn)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Sylvia Crespo-Tabak to handle.**

- C4F Referral To The Next Neighborhood/Community Affairs Committee Regarding An Update On The Plans For The Par 3 Park.
(Sponsored by Commissioner Deede Weithorn)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **John Rebar to handle.**

C6 - Commission Committee Reports

SUPPLEMENTAL MATERIAL 2: Memorandum

- C6A Report Of The Land Use And Development Committee Meeting Of December 10, 2014: **1)** Discussion On North Beach Overlay Districts. **2) A.** Discussion On Proposed Amendments To The Single Family Home Ordinance (Rear Yard Swimming Pools). **2) B.** Discussion Of A Proposed Amendment To The Adjusted Grade Of Required Yards In Reference To Seawall Built At 5.7' NAVD. **3)** Discussion On Proposed Amendments To The City Code Pertaining To Alcoholic Beverage Establishments (Chapter 6); Requirements For Determining The Size And Square Footage Of "Accessory Uses" In Relation To The Main Permitted Use; And The Clarification Of Threshold Standards For Neighborhood Impact Establishments. **4)** Discussion Re: An Ordinance Amendment To Chapter 106 Relating To Parking To Require A Parking Plan During Construction For Commercial Building Projects. **5)** Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code. **6)** Discussion Re: The Concession Contract With RCI Group, The Management Company Of Miami Beach Marina. **7) A.** Annual Evaluation Of Parking Impact Fee Structure. **7) B.** Discussion Regarding The Philosophy Behind Parking Impact Fees. **8)** Additional Modifications To The Land Development Regulations Regarding Unit Size And Lot Coverage Calculations For Accessory Structures Permitted In Single Family Home Districts, As Part Of The Comprehensive Single Family Revisions Pending Before The Planning Board. **9)** Definition Of Unified Development Site - An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administration And Review Procedures," Article I, "In General," Section 118-5, "Unity Of Title; Covenant In Lieu Thereof," By Amending The Requirements And Standards For A Covenant In Lieu And By Providing A Definition For Unified Development Site; Providing For Codification, Repealer,

Severability And Effective Date. **10)** Discussion Re: 1100 15th Street. **11)** Discussion Re: Zoning In Progress. **12)** Withdrawal Of A Referral To The Land Use And Development Committee Regarding Section 145-1361 And What Constitutes Live Entertainment. **13)** Discussion Regarding Incompatible Uses And NIE Thresholds In North Beach. **14)** Discussion Re: A Proposed Limitation Of 50 Square Feet On The Overall Size Of Single Family Roof Decks.

(Memorandum to be Submitted in Supplemental)

ACTION:

1) Discussion On North Beach Overlay Districts.

MOTION: Continued to January 21, 2015 by Acclamation.

2) A. Discussion On Proposed Amendments To The Single Family Home Ordinance (Rear Yard Swimming Pools).

2) B. Discussion Of A Proposed Amendment To The Adjusted Grade Of Required Yards In Reference To Seawall Built At 5.7' NAVD.

MOTION: Continued to January 21, 2015 by Acclamation.

3) Discussion On Proposed Amendments Pertaining To Alcoholic Beverage Establishments (Chapter 6).

MOTION: MG/JM (2-0) Recommend that the ordinance with the amendments discussed, be referred by the full City Commission to the Planning Board.

4) Discussion Re: An Ordinance Amendment To Chapter 106 Relating To Parking To Require A Parking Plan During Construction For Commercial Building Projects.

MOTION: MG/JM (2-0) Recommend that the ordinance be adopted with the requirement that the \$100,000 figure be further analyzed prior to presenting the ordinance to the City Commission.

5) Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code.

MOTION: Continued to January 21, 2015 by Acclamation.

6) Discussion Re: The Concession Contract With RCI Group, The Management Company Of Miami Beach Marina.

MOTION: Continued to January 21, 2015 by Acclamation.

7) A. Annual Evaluation Of Parking Impact Fee Structure.

7) B. Discussion Regarding The Philosophy Behind Parking Impact Fees.

MOTION: Continued to January 21, 2015 by Acclamation.

8) Additional Modifications To The Land Development Regulations Regarding Unit Size And Lot Coverage Calculations For Accessory Structures Permitted In Single Family Home Districts

MOTION: MG/JM (2-0) Recommend that the ordinance be transmitted to the Planning Board for consideration.

9) Definition Of Unified Development Site.

MOTION: Continued to January 21, 2015 by Acclamation.

10) Discussion Re: 1100 15th Street.

MOTION: MG/JM (2-0) Recommend that the item be approved and referred to the Planning Board.

11) Discussion Re: Zoning In Progress.**MOTION:** Continued to January 21, 2015 by Acclamation.**12) Withdrawal Of A Referral To The Land Use And Development Committee Regarding Section 145-1361 And What Constitutes Live Entertainment.****MOTION:** The item was withdrawn.**13) Discussion Regarding Incompatible Uses And NIE Thresholds In North Beach.****See Motion for Item 3.**

MG/JM (2-0) Recommend that the ordinance with the amendments discussed, be referred by the full City Commission to the Planning Board.

14) Discussion Re: A Proposed Limitation Of 50 Square Feet On The Overall Size Of Single Family Roof Decks.**MOTION:** No Action Taken.

C6B Report Of The Neighborhood/Community Affairs Committee Meeting Of November 21, 2014: **1)** Discussion Regarding An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," To Provide Regulations And Standards For Nude Dance Establishments. **2)** Discussion Regarding Long Term Problems That Need To Be Addressed At 17th Street And Alton Road Intersection. **3)** Discussion Regarding The Civil Forfeiture Policy Of The City Of Miami Beach. **4)** Discussion Regarding Stray Cats. **5)** Discussion Regarding The Annual Review Of The City's List Of Deserving Organizations And/Or Groups Eligible To Receive Complimentary Tickets As Per The City's Complimentary Ticket Policy Pursuant To Resolution No. 2014-28638.

ACTION: Item 2 separated by Commissioner Grieco. Motion made by Commissioner Grieco to approve the minutes for item C6B and refer Item 2 to the January 2015 NCAC meeting; seconded by Commissioner Weithorn; Voice-vote: 5-0; Absent: Commissioners Tobin and Wolfson.

REFERRAL:

Item 2 referred to the January NCAC

Item 2:

Commissioner Grieco stated that item 2, regarding Alton Road and 17th Street intersection, is back on the agenda, and he wants to stress the importance of discussing this issue at length to the members of the Neighborhood Committee. Commissioner Grieco wants to make sure his colleagues keep this issue moving forward, even if he is unable to attend the next NCAC meeting.

City Manager Morales recommended referring the item back to the appropriate staff member, or to have a separate agenda for Friday's meeting.

Commissioner Grieco agreed with the City Manager's suggestion to refer the item.

Former Commissioner Nancy Liebman stated that she could not make it to Friday's Neighborhood Committee meeting.

Commissioner Weithorn stated that meetings need to be announced with enough time so that the public can attend, and thereby we can benefit from getting true public input on issues. She added that out of respect, the item should be moved to January 2015.

Former Commissioner Liebman mentioned that staff and Planning Director, Thomas Mooney, created a wonderful document that should be looked at the NCAC meeting in January.

REFERRAL:

Refer discussion regarding long-term problems that need to be addressed at 17th Street and Alton Road intersection back to the NCAC in January 2015.

Jimmy L. Morales, City Manager, suggested referring the staff memorandum back to Committee.

Commissioner Grieco made a motion to refer the memorandum back to NCAC.

Former Commissioner Nancy Liebman suggested scheduling the next meeting in January.

Motion by Commissioner Grieco to approve the minutes for item C6B and refer Item 2 to the January 2015 NCAC meeting; seconded by Commissioner Weithorn; Voice-vote: 5-0; Absent: Commissioners Tobin and Wolfson.

1) Discussion Regarding An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," To Provide Regulations And Standards For Nude Dance Establishments.

Ordinance.

DIRECTION: By Commissioner Steinberg to have the Office of the City Attorney meet with Commissioner Tobin to review the Ordinance and bring it to the December Commission meeting for first reading.

City Clerk's Note: See R5M.

2) Discussion Regarding Long Term Problems That Need To Be Addressed At 17th Street And Alton Road Intersection.

DIRECTION: By Commissioner Tobin to repair now the intersections that are currently at or near failure grade instead of waiting until June 2015 for the study and bring back recommendations on how to expedite the process of repairing the intersections to the Neighborhoods/Community Affairs Committee meeting in December. In addition, bring back a list of all intersections that are at an E or F. (See action and referral above)

3) Discussion Regarding The Civil Forfeiture Policy Of The City Of Miami Beach.

No action taken.

4) Discussion Regarding Stray Cats.

AFTER ACTION

To be brought back to the December 19, 2014 Neighborhood/Community Affairs Committee meeting.

5) Discussion Regarding The Annual Review Of The City's List Of Deserving Organizations And/Or Groups Eligible To Receive Complimentary Tickets As Per The City's Complimentary Ticket Policy Pursuant To Resolution No. 2014-28638.

AFTER ACTION

Commissioner Weithorn suggested having Administration list the Organizations' Miami Beach addresses or the communities within Miami Beach that they serve because several addresses on the eligible organizations list are outside of the City limit. To be brought back to the December 19, 2014 Neighborhood/Community Affairs Committee meeting.

- C6C Report Of The Flooding Mitigation Committee Meeting Of November 12, 2014: **1)** Update From The Mayor's Blue Ribbon Panel On Flooding And Sea Rise. **2)** Update Of Ongoing Projects. **3)** Indian Creek Drive - Discussion Regarding Sea Walls. **4)** FDOT 5th Street Pump Station.

ACTION:

1) Update From The Mayor's Blue Ribbon Panel On Flooding And Sea Rise.

ACTION: Staff and consultant were directed to present designs for raising streets to the Committee.

ACTION: Staff asked to prepare an upcoming priorities list of projects addressing flooding and sea rise.

ACTION: The Committee directed that the Fatal Flaw Analysis of deep injection wells be presented to the Mayor's Blue Ribbon Panel and a report then be presented to the Flooding Mitigation Committee.

2) Update Of Ongoing Projects.

No action taken.

3) Indian Creek Drive - Discussion Regarding Sea Walls.

ACTION: Commissioner Wolfson asked that information on Special Taxing Districts be gathered presented to the Flooding Mitigation Committee.

4) FDOT 5th Street Pump Station.

ACTION: Public Works to reach out to FOOT and ask them to come up with a program to address flooding in the right of way at 5th Street and Alton Road.

- C6D Report Of The Finance And Citywide Projects Committee Meeting Of November 12, 2014: **1)** Discussion From The Budget Advisory Committee Regarding The Golf Course Fees. **2) A.** Discussion Regarding Police And Parking Department Towing Permit Requirements. **B.** Discussion Regarding The Issuance Of New Police And Parking Department Towing Permits To Beach Towing Services, Inc., And Tremont Towing, Inc. **3)** Discussion Regarding Planning Department Evaluation Of The Fee In Lieu Of Parking Program ("PIF"). **4)** Discussion Regarding City's Sidewalk Café Fee Schedule. **5)** Discussion Regarding Presentation And Discussion Of Development Concepts For North Shore Open Space Park And Associated Maintenance Cost Estimates Related To The Contribution Resulting From The Vacation And Abandonment Of That Portion Of 87th Terrace East Of Collins Avenue. **6)** Discussion Regarding Risk Management Fund Actuarial Determined Liability. **7)** Discussion Regarding The Adoption Of A Lease Template For Use In City-Owned, Multi-Family Residential Properties And Authorizing The City Manager To Execute These Lease Agreements On An Annual Basis Without The Need To Return To Commission For Each Individual Lease.

ACTION:

1) Discussion From The Budget Advisory Committee Regarding The Golf Course Fees.

The Committee recommended trying a 16-day pilot program with promotional rates for Normandy Shores Golf Course.

2) A. Discussion Regarding Police And Parking Department Towing Permit Requirements.

The Committee recommended bringing back the improved technology enhancements after the Police have had a chance to implement audio/video recordings and body cameras for both sworn and civilian city personnel.

B. Discussion Regarding The Issuance Of New Police And Parking Department Towing Permits To Beach Towing Services, Inc., And Tremont Towing, Inc.

Item deferred.

3) Discussion Regarding Planning Department Evaluation Of The Fee In Lieu Of Parking Program ("PIF").

The Committee recommended taking the detailed files that the Planning Department staff has created on the fees in lieu and providing that documentation to the audit staff to recommend if an external party needs to be brought in to look at these cases. In the interim, City administration should pursue any and all avenues to collect the fees for fiscal year 13-14 without waiting on the audit committee's recommendation, prepare fiscal year 14-15 invoicing to go out and get fiscal years 11-12 and 12-13 ready so that once the policy is brought before the Commission at the November 19, 2014 meeting, so that staff can send out those invoices immediately.

4) Discussion Regarding City's Sidewalk Café Fee Schedule.

The Committee recommended to Budget that in the next budget cycle (October 2015), there be an increase up to \$5 for the sidewalk cafe amount with an abatement clause if the sidewalk is under construction and for staff to re-do the sidewalk cafe agreement.

5) Discussion Regarding Presentation And Discussion Of Development Concepts For North Shore Open Space Park.

The Committee recommended sending this item to Commission with a budget not to exceed \$6 million for the North Shore Open Space Park project.

City Clerk's Note: See R7D.**6) Discussion Regarding Risk Management Fund Actuarial Determined Liability.**

The Committee recommended engaging an actuary to assist in providing quarterly reports that forecast trends as opposed to yearly forecasts so that we can continue to decrease the deficit in the Risk Management Fund.

7) Discussion Regarding The Adoption Of A Lease Template For Use In City-Owned, Multi-Family Residential Properties.

The Committee recommended the standard residential lease agreement template with HUD guideline to the full Commission for approval.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application In The Approximate Amount Of \$500,000 To The Children's Trust, Under The Youth Enrichment Program Request For Proposals (RFP), For The Miami Beach All Stars Program; 2) Submit A Grant Application In The Approximate Amount Of \$500,000 To The Children's Trust, Under The Parenting And Home Visitation Program RFP, For The Miami Beach Positive Parenting Program; 3) Submit A Grant Application In The Approximate Amount Of \$500,000 To The Children's Trust, Under The Parenting And Home Visitation Program RFP, For The Miami Beach Parent- Child Program; And Retroactive Approval For The Following Grant Submittals: 4) In Partnership With Mount Sinai Medical Center, To Visit Florida, Medical Meetings & Training Promotion Grant Program, For Funding In The Amount Of \$500,000 For Specialized Equipment And Infrastructure For Medical Conventions At Mount Sinai Medical Center And The Miami Beach Convention Center; 5) PetSmart Charities Inc. For Funding In The Amount Of \$102,175 For The City's Free Roaming Cat Program; 6) National Oceanic And Atmospheric Administration, Marine Debris Removal Program For Funding In The Amount Of \$29,000 For The Removal Of Derelict Vessels; 7) Firehouse Subs For Funding In The Amount Of \$20,679 For Emergency Equipment And Training Systems; And, 8) Branches Inc., For Funding In The Approximate Amount Of \$5,000 For The City's Financial Stability Volunteer Income Tax Assistance (VITA) Program; Approving And Authorizing The Appropriation Of The Above Grants And Funding Requests, Including Any Requisite Matching Funds And City Expenses; And Further Authorizing The City Manager Or His Designee To Take All Necessary Steps And Execute All Necessary Documents In Connection With The Aforestated Grants And Funding Requests, Including, Without Limitation, Applications, Grant/Funding Agreements And Audits.
(Budget & Performance Improvement)

ACTION: Resolution 2014-28865 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

- C7B A Resolution Authorizing The City Manager To Execute A Memoranda Of Understanding With Helping Hands Ko Op, Inc., The Saint Vincent De Paul Society At St. Patrick Catholic Church, And Teen Job Corps, Inc. For The Provision Of A Grocery Delivery Program To Benefit Income-Eligible Households Residing In The City.
(Housing & Community Services)

ACTION: Resolution 2014-28866 adopted. Maria Ruiz to handle.

- C7C A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee; And Approving, Subject To Final Review And Approval By The City Manager And Office of the City Attorney, A Standard Form Residential Tenant Lease, Having A One (1) Year Term, To Be Used By The City's Office Of Housing And Community Services For Tenants In City-Owned Affordable Housing Projects, Without The Need For Additional City Commission Approval For Each Individual Lease; Authorizing The Administration To Qualify All Tenants Pursuant To The Applicable HUD Income-Eligible Guidelines And Any Other Funding Source Restrictions Affecting Said Housing Projects; And Further Authorizing The City Manager To Execute Each Lease.
(Housing & Community Services)

ACTION: Resolution 2014-28867 adopted. Maria Ruiz to handle.

- C7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposal No. 2014-015-LR (The RFP) For Psychological Services For Employees; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Law Enforcement Psychological And Counseling Associates, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Human Resources/Procurement)

ACTION: Resolution 2014-28868 adopted. Sylvia Crespo-Tabak and Alex Denis to handle.

Handouts or Reference Materials:

1. Letter dated December 11, 2014 to Law Enforcement Psychological and Counseling Associates, RE: Request for Proposal (RFP) No. 2014-015-LR for Psychological Services for Employees, from Alex Denis, Procurement Director.

- C7E A Resolution Authorizing The City Manager To Execute An Interlocal Agreement Between The City, The School Board Of Miami-Dade County, Florida And Florida International University; Said Agreement Providing For The Enhancement Of The Dual Enrollment Program At Miami Beach Senior High School, In An Amount Not To Exceed \$20,000 Per Fiscal Year, For An Initial Two Year Term, With Subsequent One Year Extensions, Contingent Upon Budget Appropriations.
(Organization Development Performance Initiatives)

ACTION: Resolution 2014-28869 adopted. Dr. Leslie Rosenfeld to handle.

SUPPLEMENTAL MATERIAL 3: Memorandum & Resolution

- C7F A Resolution Amending The Grant Of Easement And Agreement For Stormwater And Transportation Improvements Approved By The City Commission On September 11, 2013, Pursuant To Resolution No. 2013-28343, In Conjunction With The Vacation Of The Alley Located In The 500 Block Of Alton Road, In Favor Of The Adjacent Property Owners, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, And 1220 Sixth, LLC; And Accepting The Grant Of Easement And Agreement, Subject To Final Approval By The City Manager And City Attorney.
(Public Works)

ACTION: Resolution 2014-28870 adopted. Eric Carpenter to handle.

9:10:01 a.m.

SUPPLEMENTAL MATERIAL 3: Revised Memorandum & Resolution

C7G A Resolution Amending Resolution No. 28060, Which Accepted The Grant Of A Subterranean Utility Easement From Bernard Baumel (Trust), Owner Of The Property Located At 1700 West 25th Street, For The Construction, Installation, Maintenance, Repair, And Replacement Of Water And Sewer Mains; Said Amendment Approving And Providing For A Compensation To The Property Owner, In Consideration For The Grant Of The Easement, In The Amount Of \$100,000.
(Public Works)

ACTION: Resolution not adopted. Commissioner Weithorn asked that Mr. Carpenter use the resources that the Office of the City Attorney and City Manager's Office have, and bring back at the next Commission Meeting of January 14, 2015. Motion made by Commissioner Weithorn; seconded by Commissioner Steinberg; Absent: Commissioners Tobin and Wolfson. Voice-vote: 5-0. **Eric Carpenter to handle.**

Commissioner Weithorn does not support this item, because she finds it troubling that the City has to pay a private property owner \$100,000 to do what is right, and she does not want to set a precedent.

Eric Carpenter, Public Works Director, explained that there is a pipeline that has been in place for a very long time, and is in terrible state of repair. Originally, there was an approved easement, but the private property owner changed opinion and wants to be compensated for the easement. They could do open and cut installation of the water sewer main, but that will be significantly more expensive; 50% higher than doing directional drilling.

Mayor Levine asked if there are any emergency procedures the City can do to obtain the right of way for the betterment of the City.

Raul J. Aguila, City Attorney, explained that the alternative would be to condemn a portion of the property, but to do that they would have to pay the market value of the property, which has been appraised at \$125,000.

Vice-Mayor Malakoff suggested for Mayor Levine or City Manager Morales to speak to the property owner and negotiate for the betterment of the City.

Discussion held.

Jimmy L. Morales, City Manager, asked Mr. Carpenter if there is an alternative easement location.

Mr. Carpenter stated there are two easements in Sunset 1 and Sunset 2. They have spoken to the property owners to align this easement, because of the situation of the homes on these properties, the alignment is better on the one they are recommending. The negotiations can continue with the property owners.

Commissioner Steinberg thanked Commissioner Weithorn for separating the item from Consent.

Commissioner Weithorn asked that Mr. Carpenter use the resources that the Office of the City Attorney and City Manager's Office have, and bring back at the next Commission Meeting. Motion by Commissioner Weithorn; seconded by Commissioner Steinberg; Absent: Commissioners Tobin and Wolfson. Voice-vote: 5-0.

- C7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With The Miami Herald For The Purpose Of Advertising City Events, Programs, And Facilities.
(Tourism, Culture, & Economic Development)

ACTION: Resolution 2014-28871 adopted. Max Sklar to handle.

- C7I A Resolution Retroactively Accepting Donations And Sponsorships, In The Amount Of \$113,500, For The Following: The Human Rights Campaign Event; A Kaboom! Playground Build; Art Basel In Miami Beach Annual Official Brunch; And Veterans Day Parade.
(Tourism, Culture, & Economic Development)

ACTION: Resolution 2014-28872 adopted. Max Sklar to handle.

9:16:36 a.m.

- C7J Execute Contract To Install Audio/Visual System, And Adopt Operational Guidelines For North Shore Bandshell

1. A Resolution Accepting The Written Recommendation Of The City Manager And Waiving, By 5/7ths Vote, The Competitive Bidding Requirements, And Authorizing The City Manager To Negotiate And, If Successful, Execute A Contract With Pro Sound, Inc. To Furnish, Install, Test And Equalize An Audio And Visual System For The North Shore Bandshell, In An Amount Estimated At \$240,000; Finding Such Waiver To Be In The Best Interest Of The City.
(Tourism, Culture, & Economic Development)

ACTION: Resolution 2014-28873 adopted. Item separated by Commissioner Weithorn. Motion made by Vice-Mayor Malakoff; seconded by Commissioner Weithorn; Voice-vote; 5-0; Absent: Commissioners Tobin and Wolfson. **Max Sklar to handle.**

Commissioner Weithorn asked if updating the bandshell's sound system required funding cuts from other aspects of the bandshell, and whether there is a list of projects that need funding.

Max Sklar, Tourism and Economic Development Director, stated that the project will be financed by the North Beach Quality of Life Fund. Eventually, there will be projects where they need to obtain funds from other means; but at the moment, there is no list of what projects these will be.

Commissioner Weithorn stated it is important for them in the future to know what they are giving up to fund expenditures.

Vice-Mayor Malakoff stated that this item is important, because the sound system within the bandshell must be of high quality to provide neighboring residents soundproof benefits.

Max Sklar explained that the units and windows of the Burleigh House are over 50 years old, and are not hurricane or soundproof. With the new system, the City will have substantially reduced the sound, and bass. They are limiting the decibel levels, but they cannot cut the sound 100%, unless neighboring buildings change their windows.

Motion made by Vice-Mayor Malakoff; seconded by Commissioner Weithorn; Voice-vote; 5-0; Absent: Commissioners Tobin and Wolfson.

2. Resolution Approving And Adopting Operational Guidelines For The North Shore Bandshell Relating To Facility Hours And Use Of Amplified Sound.
(Tourism, Culture, & Economic Development)

ACTION: Resolution 2014-28874 adopted as amended. Motion to approve the Resolution as amended by Commissioner Grieco; seconded by Commissioner Weithorn; Voice-vote 5-1; Opposed: Commissioner Steinberg; Absent: Commissioner Wolfson. **Max Sklar to handle.**

Clerk's Note: Item originally approved with the Consent Agenda. Thereafter it was amended.

Amendment:

New hours of operation 10:00 a.m. to 10:00 p.m. City Manager given authority to extend hours.

Daniel Veitia asked the Commission to consider the bandshell's hours of operation for the betterment of the community, so that everyone is aware of when things will slow down. He gave the example of food trucks that will be operating until 9 p.m., but asked if they can consider a stop time of 10 p.m. across the board, and closing time of 11 p.m. during special events with permission from the City Manager.

Commissioner Grieco asked the City Commission to reconsider this item.

Vice-Mayor Malakoff stated that Mr. Veitia's request is for the bandshell's hours of operations to be from 10 a.m. to 10 p.m. every day. She asked whether it should be the City Planner, and not the City Manager who extends the hours of operations.

Discussion held.

City Manager Morales stated he would only allow events to go on until 11 p.m. provided that these events were during a Friday or Saturday, and there will be no waivers.

Mr. Veitia agreed, and mentioned that the sound system that will be implemented at the bandshell will help reduce noise.

Motion to approve the Resolution as amended by Commissioner Grieco; seconded by Commissioner Weithorn; Voice-vote 5-1; Opposed: Commissioner Steinberg; Absent: Commissioner Wolfson.

ADDENDUM MATERIAL 3:

C7K A Resolution Accepting The Recommendation Of The GLBT Business Enhancement Committee, And Urging The Miami-Dade County Clerk Of Courts To Begin Issuing Marriage Licenses To Same-Sex Couples Following The Expiration, On January 5, 2015, Of The Stay Of The Ruling Entered By The U.S. District Court For The Northern District Of Florida, Which Struck Down Florida's Statutory And Constitutional Bans On Same-Sex Marriage As Unconstitutional Under The U.S. Constitution.

(Sponsored by Vice-Mayor Malakoff and Commissioners Michael Grieco and Micky Steinberg)

ACTION: Resolution No. 2014-28875 adopted. Office of the City Clerk to transmit the Resolution to Miami-Dade County and to handle.

Handouts and Reference Materials:

1. Email from Vice-Mayor Joy Malakoff dated December 16, 2014 RE: GLBT Business Enhancement Committee's Recommendation to have the City Commission publicly supports the distribution of Same-Sex Marriage Licenses on January 6, 2014.

End of Consent Agenda**REGULAR AGENDA****R5 - Ordinances**

10:28:45 a.m.

R5A An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Florida, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishment Of Monuments And Memorials," By Amending Section 82-503 Thereof, Entitled "Naming Of Public Facilities; Co-Naming Of Streets," To Prohibit The Co-Naming And Renaming Of Certain Major Streets Within The City, Identified Herein As 5th Street, 41st Street, 71st Street, Collins Avenue, Washington Avenue, Alton Road, And Ocean Drive, Or Any Portions Thereof; Providing For Codification, Repealer, Severability, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Office of the City Attorney)
(First Reading on November 19, 2015 - R5Q)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3910 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 6-0; Absent: Commissioner Wolfson. **Office of the City Attorney and Jose Gonzalez to handle.**

Stanley K. Shapiro asked for clarification of the item.

Commissioner Weithorn explained that in today's technological world, with GPS in usage, it is important that streets not be named after individuals. The purpose is that in the future they should not create confusion in main streets.

Mr. Shapiro asked if Arthur Godfrey Road would remain as is.

Commissioner Weithorn explained that this Ordinance is a prospective Ordinance.

Vice-Mayor Malakoff added that the item would be brought back in January 14, 2015 removing the co-name of Arthur Godfrey. **Jose Gonzalez to handle.**

Mr. Shapiro asked if public input has been obtained from the merchants. Vice-Mayor Malakoff explained that opinions are divided, but if removal of Arthur Godfrey is successful, it will take at least six months to become effective.

Handouts or Reference Materials:

1. The Miami Herald Ad 972

10:33:14 a.m.

R5B An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration", Article VII "Standards Of Conduct", Division 2 "Officers, Employees And Agency Members", Section 2-462 Thereof Entitled "Prohibiting Members Of City Commission From Having Certain Post-Service Contracts With City" To Clarify Eligibility Requirements Related To A City Commission Member's Post-Service Contract With The City Of Miami Beach And To Specify That Waiver Requests Of Said Post-Service Contract Proscription Shall Be Limited To Former City Commission Members And/Or Sitting City Commission Members Who Have Submitted An Irrevocable Letter Of Resignation, Effective Immediately Upon Such Grant Of Waiver; Providing For Repealer, Severability, Codification, And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Micky Steinberg)
(Legislative Tracking: Office of the City Attorney)
(First Reading on November 19, 2015 - R5R)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3911 adopted.** Motion made by Commissioner Steinberg to approve the Ordinance; seconded by Vice-Mayor Malakoff; Ballot vote: 5-0; Absent: Commissioner Wolfson; Abstained: Commissioner Tobin. **Office of the City Attorney to handle.**

Commissioner Tobin recused himself due to a potential conflict.

Raul J. Aguila, City Attorney, explained that this is an amendment to the Ordinance, which prohibits members of the City Commission from having certain post service contracts with the City. What it specifically does is amend the provision where a Commissioner can seek a waiver within the two-year prohibition period, which is granted by 5/7 vote of the City Commission upon a finding that is in the best interest of the City. He explained that what Commissioner Steinberg added to strengthen this Ordinance is that if a sitting commissioner ask for a waiver, and is granted a waiver, they have to immediately resign irrevocably. He clarified that based on a question raised by Mr. Del Vecchio, any City Commissioner seeking a waiver would have to recuse from voting on his own waiver.

Handouts or Reference Materials:

1. The Miami Herald Ad 972
2. Form 8B completed by Commissioner Ed Tobin, File No. 114.

11:42:32 a.m.

R5C Short Term Rentals In Collins Waterfront District

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. **11:20 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(Continued from November 19, 2014 - R5J)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Item opened and continued.** Motion made by Commissioner Weithorn; seconded by Commissioner Grieco to open and continue the item to **January 14, 2015**; Voice-vote: 6-0; Absent: Commissioner Wolfson. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Commissioner Weithorn is concerned that there is a lack of quorum at this moment and suggested deferring this item.

Thomas Mooney, Planning Department Director, introduced the item and stated that some changes were made to the Ordinance to address the concerns of the City Commission. They did outreach to the Hebrew Academy and the Flamingo Drive area residents; they restricted the boundaries from 25st Street to 24th Terrace, and listed the properties outlined in the map on the Agenda. He added that based upon the criteria on the Code, which has been updated to ensure that there is no mix of short-term and long-term rentals, all the rentals have to be consistent. The Ordinance will likely only be taken advantage of by the Trade Wind properties located south of 24th Street.

Ray Breslin, Collins Park Neighborhood Association, strongly recommended approval.

Jeff Donnelly stated that one of the compromises involved in the passage of the 2010 Ordinance was a provision that would allow neighborhoods in the RM-1 District to request an amendment in the future, and allow short-term rentals in the District. This is an example of that compromise at work. They all agreed, and it is important to know that in 2010, not everyone obtained what they wanted, but it was a fair, effective and active enforcement of that Ordinance. Representatives of Trade Winds are currently conducting short-term rentals, prohibited by the 2010 Ordinance; others have been cited for conducting illegal short-term rentals. If you adopt this Ordinance today, you will undermine the efforts of the people that try to enforce these laws.

Monica Entin, Rosen, of Switkes & Entin Esq., stated that since the last hearing they were here, they took the advice of the City Commission to heart and did exactly what they were asked; to go back to the neighborhoods affected; the Collins Park Neighborhood Association has been in support of this for a long time; however, they went to the Flamingo Group Neighborhood Association, which is those residents in the Flamingo Drive and met with them and discussed their concerns. That is how they narrowed this down, and it is how they came back with a smaller group. It is how they came back with on site management 24 hours a day, and with the idea of no mixed uses of the building. They have letters of support from many residents. With respect to the 2010 passage of the Ordinance, that is when this building was under construction and they could

not avail themselves of the short term. There were subsequent agreements with the City and so that is how they move forward. They are looking to legalize something that has been there and that the City recognized was there. They are trying to work with the City to do everything that they can so that there are no issues and concerns at this property. She read language into the record requested by Commissioner Weithorn, as stated in Section 3, Page 327 of the Agenda; *"Contact person. All rentals must be supervised by the owner, manager, or a local and licensed real estate broker or agent or other authorized agent licensed by the city, who must be available for contact on a 24-hour basis, seven days a week."* She stated that the language could be refined to say, "all managers are on-site."

Discussion held.

Larry Colin wants to be clear that their understanding is that any building that is a 100% hotel/motel that has on-site management qualifies for this upgrade.

Discussion held.

Commissioner Weithorn is concerned that this has worked in every District in the City and in North Beach, which is a bigger District, may not work.

Monica Entin, Esq., stated they used the language used by the Flamingo Park Neighborhood, but can also use the word "on site."

Discussion held regarding Code section.

Commissioner Weithorn explained for the Collins Park, on Page 326, Section € there is language that was stricken, and she wants that language put back. **Tom Mooney to handle.**

Vice-Mayor Malakoff stated that the language reading "that any property seeking to have short-term rental should have on site management for the property" should be included. **Tom Mooney to handle.**

Thomas Mooney, Planning Department Director, explained that there was a typographical error in the section and that language should not have been stricken. **Thomas Mooney to handle.**

Larry Colin spoke.

Frank Del Vecchio spoke.

Commissioner Weithorn suggested opening and continuing the item to January 14, 2015. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice-vote: 6-0; Absent; Commissioner Wolfson.

Handouts or Reference Materials:

1. The Miami Herald Ad 972
2. The Miami Herald Ad 975

2:07:36 p.m.R5D 226 87th Terrace - Parking Category Comprehensive Plan And Rezoning

1. Comprehensive Plan - Parking Category

An Ordinance Amending Policy 1.2 Of The Future Land Use Element Of The Comprehensive Plan Pursuant To The Procedures In Section 163.3184(3), Florida Statutes, By Modifying The Parking (P) Future Land Use Category To Allow For Residential Uses When Abutting A Land Use Category That Permits Such Uses; Providing For Inclusion In The Comprehensive Plan; Transmittal; Repealer; Severability; And An Effective Date. **2:00 p.m. First Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Planning)

(Continued from November 19, 2014 - R5K1)

ACTION: Title of the Ordinance read into the record. **Item opened and continued.** Motion made by Commissioner Weithorn to open and continue the item to **February 11, 2015**; seconded by Commissioner Steinberg. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Commissioner Weithorn was informed by the applicant that they would like to open and continue the item to February, since they are still working on the plans.

2:07:36 p.m.2. Rezoning - 226 87th Terrace

An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Parcel Located At 226 87th Terrace, From The Current Zoning Classification Of GU, "Government Use District", To The Proposed Zoning Classification Of RM-2, "Multifamily Residential, Medium Intensity;" Providing For Codification; Repealer; Severability; And An Effective Date. **2:00 p.m. First Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Planning)

(Continued from November 19, 2014 - R5K2)

ACTION: Item opened and continued. Motion made by Commissioner Weithorn to open and continue the item to **February 11, 2015**; seconded by Commissioner Steinberg. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. The Miami Herald Ad 972
2. The Miami Herald Ad 976

2:07:36 p.m.

R5E RM-2 Regulations, Parking Regulations And Signage Regulations Within 250 Of North Shore Open Space Park (NSOSP)

1. RM-2 Regulations Within 250 Feet Of NSOSP

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3 "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," By Amending Sections 142-215, "Prohibited Uses," And 142-218, "Setback Requirements," In Order To Permit Outdoor Bar Counters As Accessory Uses In Oceanfront Hotels In The RM-2 District; Allowing For Modification Of Interior Side Setback Requirements For Drives Or Sidewalks; Providing Access Between Parcels In The RM-2 District; Modifying The Interior Side Tower Setback Requirements For Oceanfront RM-2 Parcels Within 250 Feet Of North Shore Open Space Park; By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3 "Accessory Uses," By Amending Section 142-902, "Permitted Accessory Uses," To Permit Neighborhood Impact Establishments, As Conditional Uses For Oceanfront Hotels In The RM-2 District Within 250 Feet Of North Shore Open Space Park; Providing For Codification; Repealer; Severability; And An Effective Date. **2:05 p.m. First Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Planning)

(Continued from November 19, 2014 - R5L1)

ACTION: Item opened and continued. Motion made by Commissioner Weithorn to open and continue the item to **February 11, 2015**; seconded by Commissioner Steinberg. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

2. Parking Regulations Within 250 Feet Of NSOSP

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130, "Off-Street Parking," Article III, "Design Standards," By Amending Section 130-68, "Commercial And Noncommercial Parking Garages," To Establish Regulations For Main Use Parking Garages Located On Non-Oceanfront Lots In The RM-2 District With A Property Line Within 250 Feet Of North Shore Open Space Park; Providing For Codification; Repealer; Severability; And An Effective Date. **2:05 p.m. First Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Planning)

(Continued from November 19, 2014 - R5L2)

ACTION: Item opened and continued. Motion made by Commissioner Weithorn to open and continue the item to **February 11, 2015**; seconded by Commissioner Steinberg. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

3. Signage Regulations Within 250 Feet Of NSOSP
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 138, "Signs," Article V, "Sign Regulations By District" And Article VI, "Specific Use Signs," By Amending Section 138-172, "Schedule Of Sign Regulations For Principal And Accessory Use Signs," In Order To Establish Sign Criteria For Ground Floor Commercial Uses In Parking Garages Located On Non-Oceanfront Lots In The RM-2 District, With A Property Line Within 250 Feet Of North Shore Open Space Park; And Creating Section 138-206, Entitled "City Identification Signs At City Entrance And Exit Points," In Order To Establish The Process By Which The City May Erect City Identification Signs Near The City's Entry And Exit Points; Providing For Codification; Repealer; Severability; And An Effective Date. **2:05 p.m. First Reading Public Hearing**
(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Planning)
(Continued from November 19, 2014 - R5L3)

ACTION: Item opened and continued. Motion made by Commissioner Weithorn to open and continue the item to **February 11, 2015**; seconded by Commissioner Steinberg. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. The Miami Herald Ad 973
2. The Miami Herald Ad 977

5:12:08 p.m.

- R5F Faena District Comprehensive Plan And District Overlay
1. Comprehensive Plan – Faena District Overlay
An Ordinance Amending Policy 1.2 Of The Future Land Use Element Of The Comprehensive Plan Pursuant To The Procedures In Section 163.3184(3), Florida Statutes, By Modifying The Medium Density Multi Family Residential (RM-2) Future Land Use Category To Establish The "Faena District Overlay" In Order To Allow For Place Of Assembly, Restaurant, Retail And General Office As Main Permitted Uses Within Its Boundaries; Providing For Inclusion In The Comprehensive Plan, Transmittal; Repealer; Severability; And An Effective Date. **5:01 p.m. Second Reading Public Hearing**
(Sponsored by Vice-Mayor Joy Malakoff)
(Co-sponsored by Commissioner Grieco)
(Legislative Tracking: Planning)
(First Reading Public Hearing on October 22, 2014 - R5F1)

ACTION: Title of the Ordinance read into the record. Public Hearing held. See action with R5F-2. **Ordinance No. 2014-3912 adopted.** Motion made by Commissioner Grieco to approve the Ordinance; seconded by Vice-Mayor Malakoff; Ballot vote: 6-0; Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

Raul J. Aguila, City Attorney, stated that pursuant to the Ordinance that the City Commission passed on the right to be heard, if you are representing a faction, which is defined as five or more people on the same side, then you can have more time to speak, which is three to five minutes. One of the clients wants to do a presentation on behalf of one of the opposing condominiums, and the Mayor has agreed to extend the time to ten minutes. City Attorney Aguila spoke to counsel for both condominiums and they both want

to speak. City Attorney Aguila asked if that was acceptable to the residents, and for those that will not be speaking, he stated that they do not have to take the oath.

Eve Boutsis, Chief Deputy City Attorney, sworn in staff and speakers in attendance.

Thomas Mooney, Planning Department Director, explained the item. Modifications to the Ordinance have been made and staff went through Planning Board reports and drafted the Ordinance. The amendments basically consist of prohibition of outdoor live or amplified music or speakers, the requirement for internal sound and the provision of a sound study, the requirement for vestibules, limitation on hours of operation, requirements for security personnel, limitations on queuing outside the place of assembly; requirement for operational plan, prohibition of handbill, limitation of hours, limitation of hours of trash pickup, requirement for the property and valet contract, and no more than six code violations requirement having an impact on the operation. They did not include in the body of the Ordinance a condition regarding valet operation. He handed out a one-page modification to each of the members of the City Commission and provided council with a copy, along with Faena, and they are proposing that Sec 142-873 (a) 14 be amended to read: "All valet parking ramps, drop-off and pick-up shall occur within the confines of the property. Valet parking ramps, drop-off and pick-up shall be prohibited on City streets, sidewalks and rights-of-way, unless otherwise approved by the Planning and Parking staff, with notice to adjacent or across the street property owners, in accordance with the review standards of Chapter 118, Article IV of the City Code." This was suggested because Faena has an underground parking area, which they can accommodate valet parking. If at some point that became unworkable and they needed some on street valet drop off or pick up, they would have the option to come in front of the Planning Board and air their valet plans as part of the conditional use process and there would be a notice of public hearing for people to comment. They recommend adoption of both Ordinances. Faena has also proposed drafts with minor modifications.

Eve Boutsis, Chief Deputy City Attorney, stated that the staff report for the Comprehensive Plan amendment should be included into the record in case there is a challenge.

Neisen Kasdin, representing Faena Group, explained that at first reading neighbors spoke about their concerns of keeping the peace and quiet in the neighborhood, and suggested that the use of place of assembly of space be based by conditional use by the Planning Board. They have met with the neighbors and the Ordinance has several restrictions for the use of assembly that were not on first reading. The overall level of development occurring in the Faena District is significantly less than what has historically existed, and what could have been built under the underlying zoning, both in the Saxony Hotel and Versailles units. They will continue to meet and work with neighbors to accommodate their requests. This has been reviewed by many agencies for consistencies with the Comprehensive Plan and there were no objections whatsoever. The Comprehensive Plan itself is being amended with the Land Development Regulations to remain consistent. Between first and second reading, substantial protections have been added to the LDR of this Ordinance, limiting the hours of operation, delivery and trash pickup, where patrons are allowed to queue, noise violations, etc. The uses associated with the place of assembly they are seeking to have are currently allowed. The City's Comprehensive Plan states that LDR shall emphasize innovative land development techniques such as mixed development. It is an area that has residential and hotel, but does not have a gathering place or places to go and have coffee. Alan Faena is creating this in an interesting mixed-

use destination. The City's plan objects them to increase and promote safety to pedestrians and bicycle activity. Because of the priority given to pedestrian and the challenging configuration of the property, the plan has been to provide valet parking in the on street parking spaces on the abutting streets. He suggested that the valet parking determinations should be within the purview of the Parking Department, not the Planning Board. Finally some minor changes are proposed: 1) changing operating hours to 7 AM instead of 9 AM; 2) changing hours to end at 3 AM instead of 2 AM; 3) clarifying that posting of security outside place of assembly should be only for events that end after 9 PM 4) clarify provisions on pedestrian queuing on the property applicable after 9 PM; and 5) allow delivery on weekends between 5 AM and 9 PM. He thanked the Planning Department and the Office of the City Attorney for their support.

Alan Faena stated that it is a pleasure to be here. For him, his partner, and for all of the Faena team, creating a community is very important. It is part of their story of bringing communities together in places that did not exist. He does believe in creating community with architecture and retail, but they need culture. That is why they are creating this. He believes they are creating the future; and 100 years from now, people will be remembering this moment. Miami Beach is one of the key cities in America and they will continue growing, so he believes that culture is important and creating community is important. He wanted to say that they are also lowering the amount of people that they are bringing to this community, they do not have more hotels, and they are not bringing more retail. They are only closing it on what we have today.

Mayor Levine stated that what they are creating is amazing, and they are reducing the density of the entire neighborhood.

Mr. Kasdin explained that the Versailles project was approved, and Alan Faena is doing this as a luxury condominium with 50 or so units; the Saxony Hotel is going from 420 to 161 rooms. The cultural center is designed to be a box within a box, to limit noise. They want to work with the neighbors and their intentions are good.

Raul J. Aguila, City Attorney, asked procedurally to take the Comprehensive Plan Amendment for the Faena District Overlay, and open the public hearing.

Marci Oppenheimer Nolan, representing Portugal Towers, showed a Power Point presentation in opposition of the proposed Faena Overlay District. Residents are concerned with the impact the art and culture establishment may have on Portugal Towers. They have met with Mr. Kasdin and Mr. Faena to attempt to resolve their issues.

Click [here](#) to view the PowerPoint Presentation.

Tucker Gibbs, representing King David Condominium Association and Mr. Tiago Guerra, agreed with Ms. Oppenheimer's presentation.

Neisen Kasdin, Esq., explained that this item is to amend the Comprehensive Plan; all of the reviewing agencies had no objection, traffic impacts were analyzed and there were no objections. Finally, Planning staff has included provisions to make this well protected.

Mrs. Rubenstein, 2535 Indian Creek Drive, representing Merle Manner, spoke in opposition of the Faena project. She complained of homelessness in the construction area and noises. They think staff should work with the community to develop a plan similar to what others have done.

Mayor Levine asked if this area is commercial. City Attorney Aguila stated that the area is not exclusively residential.

Howard Herring, President of the New World Symphony (NWS), spoke in favor of the Faena project.

John Stewart, Associate Dean for Cultural Engagement at FIU, spoke in favor of the Faena project.

Commissioner Grieco proposed friendly amendments; to allow deliveries on the weekend with hours from 9 AM.

Ms. Boutsis, Chief Deputy City Attorney, suggested proposing amendments on Ordinance No. 2.

Raul J. Aguila, City Attorney, suggested reading the second title before making a motion.

Motion made by Commissioner Grieco to approve the Ordinance; seconded by Vice-Mayor Malakoff. Ballot vote commenced, and the first Commissioner called to vote was Commissioner Weithorn, who initially voted against the item and explained the reasons for her opposition.

Raul J. Aguila, City Attorney, suggested that since items are heard together, they could read the title of Ordinance No. 2, hold the public hearing and vote on both items after hearing testimony.

Handouts or Reference Materials:

1. Sec. 142-873. Compliance with regulations language
2. Option B – Developer's Proposed Alternate Language – Faena District Overlay – Ordinance Draft.
3. Faena Proposal
4. Proposed Ordinance Changes per Portugal Towers – Exhibit
5. Becker & Poliakoff Presentation by Portugal Tower in opposition of the proposed Faena Overlay District, Miami Beach Commission Items #R5F 1 and 2

5:58:48 p.m.

2. Faena District Overlay

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations" Article III "Overlay Districts," Creating Division 9 "Faena District Overlay," To Expand The Allowable Uses In The Faena District Overlay To Include Place Of Assembly, Retail And General Office As A Main Permitted Use In Limited Circumstances; Providing For Repealer; Severability; Codification; And An Effective Date. **5:01 p.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor Joy Malakoff)

(Co-sponsored by Commissioner Grieco)

(Legislative Tracking: Planning)

(First Reading Public Hearing on October 22, 2014 - R5F2)

ACTION: Title of the Ordinance read into the record. Heard in conjunction with R5F-1. Public Hearing held. **Ordinance No. 2014-3913 adopted as Amended.** Motion made by Vice-Mayor Malakoff to approve as amended on the floor; seconded by Commissioner Grieco; Ballot vote: 6-0; Absent: Commissioner Wolfson; **Thomas Mooney to handle.**

Amendments:

- One (1) place of assembly may be permitted as a main permitted use, within the areas that have an underlying zoning designation of RM-2, in accordance with the following minimum requirements:
 - 1) Normal operating hours are from 7:30 AM to 12:00 AM, Sundays through Wednesdays; and 7:30 AM to 2:00 AM, Thursdays through Saturdays, unless otherwise approved by the Planning Board, in accordance with Chapter 118, Article IV of the City Code. After normal operating hours the assembly hall shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein.
 - 2) The place of assembly shall have security staff posted outside of the place of assembly building, on the private property, at least one hour prior to, during and one hour after the ending time of any event for the purposes of crowd control.
 - 3) Security staff shall monitor patron circulation and occupancy levels during and one hour after the hours of operation for events in excess of 250 persons, that occur during the day; and all events that occur during or after 9:00 PM, regardless of the number of persons in attendance.
 - 4) Deliveries shall only be permitted between 8:00 AM and 5:00 PM on weekdays, and 9:00 AM and 5:00 PM, weekends, unless otherwise approved by the Planning Board, in accordance with Chapter 118, Article IV of the City Code.
 - 5) Trash pick-up shall only be permitted between 8:00 AM and 5:00 PM on weekdays and 9:00 AM and 5:00 PM on weekends, unless otherwise approved by the Planning Board, in accordance with Chapter 118, Article IV of the City Code. Trash pick-up shall take place on a daily basis while the place of assembly is in operation. All trash containers shall utilize rubber wheels, as well as a path

consisting of a surface finish that reduces noise, and all trash dumpsters shall be closed at all times except when in use.

- 6) All valet parking ramps, vehicles for hire, including taxis, drop-off and pick-up shall occur within the confines of the property. Valet parking ramps, drop-off and pick-up shall be prohibited on City streets, sidewalks and rights-of-way, unless otherwise approved by the Planning and Parking staff, with notice to adjacent or across the street property owners, in accordance with the review standards of Chapter 118, Article IV of the City Code. A contract with a valet operator shall be submitted to the Parking Department for review and approval prior to a final Certificate of Occupancy or Business Tax Receipt, whichever occurs first.
- 7) Planning staff shall conduct periodic, six month reviews, for the first two years of operations of the Place of Assembly use, and should staff find a material or substantial violation or impact to the community not in compliance with the above provisions, the matter will be reviewed by the Planning Board, in accordance with the review standards of Chapter 118, Article IV of the City Code.

Neisen Kasdin, Esq., asked that the Comprehensive Plan be entered into the record. There have been a number of restrictions imposed on the operation in the Zoning Ordinance, which include restriction on hours of operation, gathering outside, deliveries, mandates with regard to sound containment, and the Planning staff and neighbors are working with them. Alan Faena himself has designed this so that it does not have a negative impact whatsoever. The RM-2 District allows hotels and accessory uses to hotels. This has had a thorough review by numerous state agencies and addresses all the concerns.

Marcie Oppenheimer, representing Portugal Towers, made a presentation in opposition on the project.

A PowerPoint Presentation was shown. Click [here](#) to view the PowerPoint Presentation.

Ms. Boutsis, Chief Deputy City Attorney, stated that where Ms. Oppenheimer speaks about having input from the community, as a requirement of Code, is fine, but under the enforcement section, she could not agree to put enforcement complaints because it would deprive Faena of due process and it would be challengeable, and she recommended that the language stay as is.

Ms. Oppenheimer asked that this presentation be entered into the record and spoke in opposition of the project.

Tucker Gibbs, representing King David and Mr. Guerra, agreed with Ms. Oppenheimer and would like to incorporate her comments into his comments, with the addition of restrictions. Faena is actually increasing intensity to loading areas not attached to any hotel and Collins Avenue. This has serious consequences to this neighborhood. They have concerns with valet stations, with the operation of loading and unloading facilities on 31st Street. He stated that they have three conditions as part of Section 142-873 (a) on Page 379, new subsection (i): add *no outdoor valet station used for any place of assembly or other commercial use may be located on the public right of way adjacent to (including across any street, alley or other public right of way, or within 300 feet of a residential use); however, one valet station may be permitted on the Collins Avenue frontage of the place*

of assembly with required approvals. They want the valet station to be within the underground parking as mentioned by Mr. Mooney. All valet should be inside within the garage area, if special events or emergency, they may go to the Planning Board to allow valet on a limited basis. They would like to add that those areas of assembly within 300 feet of residential must be enclosed during loading and unloading activity.

Discussion held regarding hours of operations.

Thomas Mooney, Planning Department Director, clarified that all valet operations occur within the confines of the property; however, if they want to seek Planning Board approval for the valet operations on the right of way, they can go to the Planning Board to seek that, where a public hearing and review will be held. As it pertains to places of assembly, it is not common to see this use within residential areas.

Discussion continued.

Vice-Mayor Malakoff summarized the prohibitions and regulations, including deliveries.

Raul J. Aguila, City Attorney, asked if anyone else wants to testify to this item.

Mr. Kasdin stated that this is an overlay District, with a predominant characteristic being residential. The Saxony Hotel is 106 hotel rooms, half of what it originally was, so the overwhelming character of the District is residential with some hotels. To clarify, he stated that this hotel use is not considered in the Comprehensive Plan as a residential use. The density does not apply to hotels; they are commercial uses. They have a traffic expert in the audience to answer any questions as well.

Tony Shaw, Caribbean Condominium, spoke in favor of the Faena District and is proud to be a part of it.

The following individuals spoke in favor of the District:

Ray Breslin

Dona Zemo

Resident of Caribbean Condominium

Commissioner Grieco asked for consensus on the hours of deliveries from 9 AM to 5 PM every day.

Commissioner Steinberg asked what the capacity of the hall is so they can make decisions based on that. Mr. Kasdin stated that the hall could hold up to a maximum of 1,000 people.

Discussion held.

Commissioner Grieco summarized the proposals of Portugal Towers: a) Delivery hours 8 AM to 5 PM daily; b) Security Staff in attendance one hour before the event and one hour after; c) For events in excess of 250 people security be required; d) Trash pickup 8 AM to 5 PM Monday through Friday, 9 AM to 5 PM on the weekends; and e) Add vehicles for hire.

Discussion continued.

Mr. Kasdin asked the limitation for security be required for events ending after 9 PM.

Commissioner Weithorn stated that she has no problem with hours of operation, but asked if they can limit the number of hours per day the building can be used.

Discussion held.

Vice-Mayor Malakoff thinks 7:30 AM is reasonable.

Commissioner Grieco is amenable to that.

Mr. Mooney clarified in section xiv of the valet language, they will be adding language to read "all valet parking ramps, vehicles for hire, including taxi cabs shall occur within the confines of the property." That same language shall be prohibited on the streets, sidewalks, right of ways, unless approved by Planning staff with notice to adjacent properties (as requested by Commissioner Grieco).

Mr. Mooney added that it would be noticed to all property owners within 375 feet requirement.

Mr. Kasdin suggested adding the 375 feet requirement adjacent or across the street from.

Discussion continued.

Commission Grieco made suggested amendments to the ordinance in order to reach an amicable compromise between the parties. Those suggestions are listed under "Amendments" above.

Commissioner Grieco moved the Ordinance; seconded by Vice-Mayor Malakoff. No ballot vote taken.

Ms. Boutsis opined that the Comprehensive Plan vote has to be taken first before the second item, from a technical point of view.

Discussion continued.

Commissioner Tobin asked if the City Commission has the option to amend the Ordinance.

Raul J. Aguila, City Attorney, stated that at this point, for the record, that the City Commission would have the discretion to amend this Ordinance, and there should be at this time no equitable estoppel or no reliance on behalf of the property owner as to any amendments to the Ordinance as a result of a change in the hours of operation, hours of valet, or delivery, as they do not go to the permitted uses of the property.

Commissioner Tobin, stated, for the record, that if it is a burden to residents, the City Commission shall have the right to revisit the item.

Vice-Mayor Malakoff stated that if the place of assembly receives more than six citations, the place of assembly is required to go through a Certificate Use.

Discussion held.

Commissioner Weithorn asked if they could mitigate down the line. She has faith in the Faena project, but she does not want to create another “Cibo.” Can they add something to give them the ability?

Mayor Levine stated that comparing Cibo to Faena is the strangest comparison he has ever heard. He suggested agreeing to mediation, and at the conclusion, they go to the next step.

Neisen Kasdin, Esq., stated that among the problems they have is that they will also have financing on the project as well; they cannot agree to an open-ended condition that cannot give a lender comfort, and they have that tied together with a hotel.

Commissioner Steinberg asked for a periodic monitoring during the hours of operation (six months). **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. The Miami Herald Ad 938
2. The Miami Herald Ad 973
3. Email from matthew.barnes@akerman.com dated December 16, 2014, to Mayor and City Commissioners, RE: Alternate Faena District Overlay Ordinance, with attached Second Reading Option B – Developer Proposed Alternate – redline.PDF; and Second Reading Option B – Developer Proposed Alternate – clean.PDF.
4. Option B – Developer’s Proposed Alternate Language – Faena District Overlay – Ordinance Draft.
5. Faena Proposal
6. Proposed Ordinance Changes per Portugal Towers – Exhibit
7. Becker & Poliakoff Presentation by Portugal Tower in opposition of the proposed Faena Overlay District, Miami Beach Commission Items #R5F 1 and 2

7:04:53 p.m.**R5G Transfer Of Authority To Grant Variances To Land Use Boards**

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," By Amending Article II, "Boards"; By Amending Division 3, "Design Review Board"; By Amending Section 118-71, "Powers And Duties;" And Section 118-75, "Quorum And Voting," To Create, Clarify And Expand The Role And Jurisdiction Of The Design Review Board Regarding Variances; By Amending Division 4, "Historic Preservation Board," By Amending Section 118-102, "Powers And Duties," And Section 118-106, "Quorum," To Create, Clarify And Expand The Role And Jurisdiction Of The Historic Preservation Board Regarding Variances; By Amending Division 5, "Board Of Adjustment," Section 118-136, "Powers And Duties," To Amend The Role And Jurisdiction Of The Board Of Adjustment; By Amending Article VI, "Design Review Procedures," Section 118-252, "Applicability And Exemptions," By Modifying And Clarifying The Role Of The Design Review Board Pertaining To Single Family Homes; By Amending Article VIII, "Procedure For Variances And Administrative Appeals"; By Amending Sections 118-351, "Determination Of Jurisdiction"; Section 118-352, "Procedure;" Section 118-353, "Variance Applications;" 118-354, "Variance Conditions And Safeguards;" Section 118-355 "Variance Time Limits, Decisions Establishment Of Parking Impact Fees;" Section 118-356, "Revocation Or Modification Of Variances" And Creating Section 118-358, "Appeal Of Variance Decision" To Modify, Expand And Delineate The Applicable Jurisdiction Of The Design Review Board, Historic Preservation Board And Board Of Adjustment, As It Pertains To Variances And Appeals; To Further Clarify All Applicable Sections Of Article VIII, To Ensure Consistency In All Variance Provisions, And Further Clarifying All Applicable Rules, Procedures And Regulations For Variances; Providing For Repealer; Codification; Severability And An Effective Date. **5:10 p.m. Second Reading Public Hearing**

(Sponsored By Vice-Mayor Joy Malakoff)

(Co-sponsored by Commissioner Grieco)

(Legislative Tracking: Planning)

(First Reading on November 19, 2014 - R5N)

ACTION: Item opened and continued to December 18, 2014. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

City Clerk's Note: See Presentations and Awards meeting of December 18, 2014.

Handouts or Reference Materials:

1. The Miami Herald Ad 973
2. Map of CD-2, RM-1 and RM-2.

7:04:53 p.m.

R5H Transfer Of Variance And Flood Plain Waiver Authority To The Design Review Board And Historic Preservation Board

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article VIII, "Procedure For Variances And Administrative Appeals," Section 118-351, "Determination Of Jurisdiction," Section 118-352, "Procedure;" Article II, "Boards," Division 3, "Design Review Board," Section 118-71, "Powers And Duties;" Division 4, "Historic Preservation Board," Section 102, "Powers And Duties;" Division 5, "Board Of Adjustment," Section 118-136, "Powers And Duties;" To Amend The Jurisdiction Of The Boards Of Adjustment, Design Review, And Historic Preservation By Authorizing The Design Review And Historic Preservation Boards To Grant Variances Presented In Applications Within Their Respective Jurisdictions, Amending The Authority Of The Board Of Adjustment To Reflect That Changed Authorization, And To Transfer The Authority Of The Board Of Adjustment Acting As The Flood Plain Management Board To The Design Review And Historic Preservation Boards, To Authorize Such Boards To Grant Variances From The Flood Plain Ordinance For Applications Within Their Respective Jurisdictions; Providing For Repealer; Codification; Severability And An Effective Date. **5:10 p.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor Joy Malakoff)

(Co-sponsored by Commissioner Grieco)

(Legislative Tracking: Planning)

(Continued from September 30, 2014 - R5D)

ACTION: Item opened and continued to December 18, 2014. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

City Clerk's Note: See Presentations and Awards meeting of December 18, 2014.

Handouts or Reference Materials:

1. The Miami Herald Ad 973
2. Map of CD-2, RM-1 and RM-2.

7:04:53 p.m.

R5I Clarifying And Modifying Conditional Uses In CD-2 Zoning Districts
An Ordinance Amending The Code Of The City Of Miami Beach, Florida By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial Medium Intensity District," By Amending Section 142-303, "Conditional Uses," By Modifying And Clarifying Conditional Uses In All CD-2 Districts And Adding Stand Alone Alcohol, Dance Hall And Entertainment Establishments As A Conditional Use In North Beach; Providing For Codification; Repealer; Severability; Applicability; And An Effective Date. **5:15 p.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor Joy Malakoff)

(Co-sponsored by Commissioner Grieco)

(Legislative Tracking: Planning)

(First Reading Public Hearing on November 19, 2014 - R5H)

ACTION: Item opened and continued to December 18, 2014. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

City Clerk's Note: See Presentations and Awards meeting of December 18, 2014.

Handouts or Reference Materials:

1. The Miami Herald Ad 973
2. The Miami Herald Ad 974
3. Map of CD-2, RM-1 and RM-2.

9:50:46 a.m.

R5J Definition Of Unified Development Site
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administration And Review Procedures," Article I, "In General," Section 118-5, "Unity Of Title; Covenant In Lieu Thereof," By Amending The Requirements And Standards For A Covenant In Lieu And By Providing A Definition For Unified Development Site; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**

(Sponsored by Commissioner Edward L. Tobin)

(Legislative Tracking: Planning)

(Continued from October 22, 2014 - R5H)

ACTION: Title of the Ordinance read into the record. Motion made by Vice-Mayor Malakoff to open and continue the item to February 11, 2015; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Commissioner Tobin placed this item on the agenda at the request of Mr. Del Vecchio.

Thomas Mooney, Planning Department Director, introduced the item and explained that there was an agreement for a more comprehensive legislation to be drafted, it was referred to the Land Use And Development Committee (LUDC) and staff is working on the Ordinance, so they are requesting that it be opened and continued. The Ordinance establishes procedures for covenants in lieu of unity of title, which is an instrument used to join properties together without a formal unity of title, so if two adjacent property owners want to combine their properties for different purposes, under the current definition of the City Code, they can move FAR around, if the lots are

touching. There has been question about whether or not people should be able to do that. This definition would only allow FAR to be moved around if the lots are touching.

Discussion held.

Commissioner Tobin explained the reason why he placed the item on the agenda.

Vice-Mayor Malakoff explained that they were not comfortable with the original definition discussed at LUDC. Motion made by Vice-Mayor Malakoff to open and continue the item; seconded by Commissioner Grieco; Ballot vote: 6-0; Absent: Commissioner Wolfson.

9:55:14 a.m.

R5K Telecommunications Rights Of Way

An Ordinance Amending The City Code, Chapter 104, "Telecommunications," Article I, "Communications Rights Of Way," By Amending And Providing Definitions; Amending The Registration Process; Amending The Permit Application Process To Require The Issuance Of Permits; To Require Design And Appropriateness Review And Approval By The Design Review Board And Historic Preservation Board; Creating Standards For Communications Facilities Design, Location And Collocation; Adding Standards For Site Improvements, Use Of And Restoration Of Sites And Rights-Of-Way, Including Distance Separation Between Communications Facilities And Between Such Facilities And Residential Uses And Contributing Buildings In Historic Districts; To Provide For Compensation To The City For The Use Of Public Rights-Of-Way For These Purposes; And Amending Such Other Sections As Are Appropriate To Protect The Public Health, Safety And Welfare; And Amending The Land Development Regulations Of The City Code, Chapter 118, Article II, "Boards," Divisions 3 And 4, "Design Review Board" And "Historic Preservation Board," Sections 118-71 And 118-102, "Powers And Duties," To Add Review And Approval Of Improvements In The Rights-Of-Way As Being Within The Jurisdiction Of The Design Review Board And Historic Preservation Board Respectively; And Chapter 118, Article VI, "Design Review Procedures," Section 118-251, "Design Review Criteria," And Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/ Certificate To Dig/Certificate Of Appropriateness For Demolition," Section 118-564, "Decisions On Certificates Of Appropriateness," Adding Criteria For Such Review For Telecommunications Equipment And Facilities; Providing For Codification; Repealer; Severability And An Effective Date. **First Reading**

(Sponsored by Vice-Mayor Joy Malakoff)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. Vice-Mayor Malakoff made a motion to approve the Ordinance as amended on the floor; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading Public Hearing scheduled for February 11, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Eve Boutsis to handle.**

MOTION NO. 1:

Vice-Mayor Malakoff made a motion to approve the Ordinance as amended, with direction to incorporate language read by Deputy City Attorney Eve Boutsis; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson.

Amendment:

Minimize street furniture

Ensure that telecommunication structures are not directly in front of single-family residential
Ensure that equipment is landscaped when appropriate and that there is compliance with ADA and the Florida Building Code
That there be a one-to-one replacement of a light pole from the City, to have a disguised light pole holding the telecommunications equipment
To be reviewed by HPB or DRB

MOTION NO. 2:

Resolution 2014-28887 adopted. Motion made by Vice-Mayor Malakoff to lift the moratorium on the pending applications to have them begin with the swap out to the light poles; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson.

City Clerk's Note: R5K Motion 2 required a Resolution lifting the moratorium on pending applications. Title of the Resolution reads as follows:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Rescinding The Moratorium Imposed On September 17, 2014, Pursuant To Resolution No. 2014-28752; Which Moratorium Precluded The Processing Of Applications Pertaining To The Installation Or Sitting Of Any "Telecommunications Towers" Within The City's Rights-Of-Way.

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Steinberg to accept the Land Use and Development Committee recommendation; seconded by Vice-Mayor Malakoff; Voice vote 6-0; Absent: Commissioner Wolfson.

Eve Boutsis, Deputy City Attorney, introduced the item. This issue was discussed at a joint workshop of the City Commission and the Planning Board, after a workshop and input from the various providers. She has met with FP&L, AT&T, Crown Castle and other providers. The Ordinance includes revisions based upon comments from the Planning and Historic Preservation Boards, as well as comments from the elected officials. These comments are as follows: have staff communication where possible, minimize street furniture, ensure that telecommunication structures are not directly in front of single-family residential, ensure that the telecommunication equipment is landscaped when appropriate and that there is compliance with ADA and the Florida Building Code, and that there be a one-to-one replacement of light pole from the City, to have it disguised light pole holding the telecommunications equipment. There is a review by HPB or DRB. She added that between first and second reading she would like to make some revisions. She clarified that when talking about the repurpose structure, she clarified that this is referring to a City light pole, since the City cannot convert an FP&L pole; the Ordinance has a height provision of up to 40 feet, but on Lincoln Road, light poles are up to 60 feet in height, and she clarified that the replacement of light poles on Lincoln Road would be required at 60 feet height. She understands that Commissioner Weithorn had a concern regarding removal of discontinued equipment, and asked that this be included for second reading. In answering Mayor Levine's questions, she stated that the Ordinance is drafted by experts and complies with Federal and State laws.

Discussion held.

Vice-Mayor Malakoff stated that this item was discussed at Land Use and she is satisfied with the Ordinance as amended. This will minimize street furniture and at this time there is a moratorium on 20 pending applications; these vendors have agreed to use the design to minimize the visual impact and she would like to lift the moratorium on those 20 vendors so they can be in line with

this new Ordinance and move forward.

Commissioner Weithorn thanked Eve Boutsis for including the issue about the light poles, and explained that she reviewed the FP&L negotiations and urged the Office of the City Attorney to look at the FP&L franchise agreement with the City. The City had a good franchise agreement with all sorts of provisions for changes in technology for the future, and she wants to include all provisions used in the FP&L franchise agreement in this Ordinance. In addition, if any of the companies give another municipality a better deal, Miami Beach wants to receive it as well, they would not want to sell the City short. A most favorite nation clause therefore must be included in the Ordinance. She thinks there are some deficiencies, but if they look at the franchise agreement, they can clean it up.

Rafael Andrade, representing Small Cells, explained that there are procedural issues with the passage of this Ordinance. The Code, when amending the Land Development Regulations, requires the City to follow strict procedures, such as Planning Board review, and the Code sets forth specific criteria. He distributed documents to the City Commission, which include examples of the Planning Board's failure on required criteria. He gave some samples of relevant criteria reviewed by the Planning Board. He suggested for the City to study all the communities that have installed the towers and stated that the Ordinance should be referred back to the Planning Board.

Raul J. Aguila, City Attorney, gave a brief chronology of where they have been with the Ordinance. This Ordinance was drafted in 2014 per City Commission direction, and referred to the Land Use & Development Committee (LUDC) where it was discussed in 2014 twice, and then it went back to LUDC on June 12, 2014 following review by the Public Works Department. On May 27, 2014, the Commission referred it to Planning Board and they made a recommendation to City Commission on July 22, 2014. The zoning in progress expires on December 19, 2014, and the moratorium expires on March 16, 2015.

Eve Boutsis, Deputy City Attorney, clarified that she has a copy with all the criteria, it was analyzed and met by the Planning Board, and the process shows what they have discussed it at the Planning Board several times.

Rafael Andrade, representing Small Cells, spoke.

Mayor Levine stated that there are various telecommunications vendors and individuals that want to own cell towers. He asked if the Commission is in favor of a monopoly or a fair process to bring in a high technological company.

Rafael Andrade, Small Cells representative, stated, in response to Mayor Levine's question, that Mr. Galbut has a significant interest in Small Cells. He added that this is not about the RFP; this is about the Ordinance that will legislate how these towers will be distributed. His objection is that procedurally the Ordinance is not correct.

Discussion held.

Raul J. Aguila, City Attorney, stated that this has been to the LUDC and Planning Board several times. This can be passed on first reading, and referred to the Planning Board between first and second reading.

Discussion continued regarding potential health hazards from the cell towers, cell phones or phone lines.

Eve Boutsis, Deputy City Attorney, stated that health issues could not be part of the Ordinance, as it is a Federal regulation of the Telecommunications Act. It is something that would make the Ordinance challengeable.

Commissioner Weithorn asked if any of the changes are significant enough to make this first reading again. She would like to refer this to LUDC.

Eve Boutsis, Deputy City Attorney, explained that they could go to LUDC in January and bring back to the City Commission in March 2015. She does not think the title will change.

Chad Freedman, representing Crown Castle, spoke.

Vice-Mayor Malakoff made a motion to approve the Ordinance as amended to minimize street furniture, ensure that telecommunication structures are not directly in front of single-family residential, that equipment is landscaped when appropriate and that there is compliance with ADA and the Florida Building Code; that there be a one-to-one replacement of a light pole from the City, to have a disguised light pole holding the telecommunications equipment and that it is reviewed by HPB or DRB; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson.

Motion made by Vice-Mayor Malakoff to lift the moratorium on the pending applications to have them begin with the swap out to the light poles; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson.

Handout or Reference Materials:

1. Handouts by Rafael Andrade

10:37:05 a.m.

SUPPLEMENTAL MATERIAL 3: Revised Ordinance

R5L An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property", By Amending Article IV, Entitled "Uses In Public Rights-Of-Way", By Amending Division 5 Thereof, Entitled "Sidewalk Cafes", By Amending Subdivision II Thereof, Entitled "Permit", By Amending Section 82-387 Thereof, Entitled "Prohibited "No Table" Zones", By Adding A New Subsection (b) Prohibiting Sidewalk Café Operations/Permittees Within The City's Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Tourism, Culture & Economic Development)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Grieco to approve the Ordinance; seconded by Vice-Mayor Malakoff; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for January 14, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Raul J. Aguila, City Attorney, explained that this was a result of the Euclid Development Agreement entered into with Jameck Development Company, and one of the conditions of the agreement was that the area of Euclid that is being developed be a no sidewalk café zone.

Discussion held.

City Attorney Aguila clarified that in Supplemental 3, not only is it a no sidewalk back of café table zone, but in addition to that prohibition there is no storage of equipment, storage of back up house operation or anything associated with a sidewalk café area can be stored within that area.

Handouts and Reference Materials:

1. Email from Gisela Torres dated December 15, 2014 RE: Sidewalk Café Ordinance First and Second Reading.

10:40:10 a.m.

R5M An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Creating Article XVI Thereof, To Be Entitled "Nude Dance Establishments," To Provide Regulations Regarding Identification Requirements For All Workers And Performers In Such Establishments; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**
(Sponsored by Commissioner Edward L. Tobin)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Tobin to approve the Ordinance on first reading; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading Public Hearing scheduled for **January 14, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Commissioner Tobin explained that the last time Club Madonna was in trouble was for having an underage dancer, the City had entered into some protocol, rules and procedures, that they thought would safeguard children and to prevent human trafficking, which has a tendency to happen at nude establishments. This codifies the settlement agreement the City had with the ongoing litigation and enhances penalties with hefty fines.

Raul J. Aguila, City Attorney, added that when they bring this back for second reading, referring to Page 511 of the Agenda, it states enhanced penalties for this section, which basically states that a habitual violator of this section could be subject to suspension of the BTR from operating a business up to a year. They wanted to make those penalties stricter so it would not be necessarily on the 5th offense, but on the 3rd or 4th offense, and these changes will be brought on second reading.

Discussion held regarding fines.

Commissioner Tobin moved the item, seconded by Commissioner Weithorn.

10:43:35 a.m.

R5N An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Jonah Wolfson)

(Co-sponsored by Commissioner Grieco)

(Legislative Tracking: Transportation)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Grieco to approve the Ordinance on first reading; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading Public Hearing scheduled for **January 14 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, stated that this Ordinance amends the responsibilities of persons and businesses that provide rentals, leases and or tours of motorized means of transportation devices, and in essence what it does is it applies some of the requirements that are applicable to Segways or electric personal assistive mobility devices such as insurance requirements, speed certifications, documentation and accident reporting, training requirements, and other administrative rules, so it applies those requirements to motorized means of transportation devices, such as motorized skateboards, and other toy vehicles.

Discussion held regarding trikes.

Debora Turner, First Assistant City Attorney, stated that with regard to trikes, there are requirements under State law about registration and other things that they must comply with, because they are technically a motor vehicles.

Commissioner Grieco stated that it would be no different from somebody driving on the streets on a golf cart, so any of the trikes that are not registered with the Department of Highway Safety and Motor Vehicles are technically not supposed to be on the roads and they are never supposed to be on the sidewalks and that is Statewide. This current Ordinance amendment regulates motorized skateboards and the other things that they had not contemplated in the previous amendments.

Ms. Turner added that they have been working with Mr. Henry Stolar on some of his suggestions and amendments. Ms. Turner read a statement from Mr. Stolar. Mr. Stolar advised that he was not able to be here today, but he wanted to thank Commissioner Wolfson for sponsoring this important Ordinance and thanked City Attorney Aguila and Ms. Turner for maintaining open and responsive communication. Ms. Turner added that she sent Mr. Stolar replies to four questions he had inquired about, and Mr. Stolar told her he would review the four replies and if necessary propose amendments for consideration on second reading on January 14, 2015.

Commissioner Grieco moved the item and Commissioner Weithorn seconded the motion.

R7 - Resolutions**10:26:31 a.m.**

R7A A Resolution Adopting The First Amendment To The General Fund, Enterprise Fund, Internal Service Fund, And Special Revenue Fund Budgets For Fiscal Year (FY) 2014/15. **10:10 a.m. Public Hearing**

(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28876 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Grieco. Voice Vote: 6-0; Absent: Commissioner Wolfson. **John Woodruff to handle.**

John Woodruff explained the item. At the end of the fiscal year, there are some items that are encumbered or that have not been spent for the purpose that they were allocated. This amendment carries forward funding for those items and it allocates any of the year-end surplus we may have.

In addition, we also have the Building Department, if they make a profit we track that separately, as that money cannot be used for anything that is not related to enforcing the Building Code. The Commission may recall that we had previously funded the majority of the Munis for the Intergov project, this funds the remainder of that project budget. In Parks and Recreation the new grounds maintenance contract came in higher than the one that was negotiated during the height of the recession. Therefore, the one-year difference is prorated at \$500,000. When we talk about next year's current service level budget, the Commission will see that there is around a \$700,000 to \$800,000 impact related to maintenance contract. The balance we put into additional contingency.

Commissioner Weithorn explained that she spent time reviewing the item, her questions had been answered, and she proceeded to move the item. Seconded by Commissioner Grieco. Voice Vote: 6-0; Absent: Commissioner Wolfson. **John Woodruff to handle.**

Handout or Reference Materials:

1. The Miami Herald Ad 972

11:01:08 a.m.

R7B Design Review Board Appeal - DAS Node at 1604 Alton Road
A Resolution Granting/Denying An Appeal Filed Pursuant To Section 118-262 Of The City Code By ARRP Miami, LLC, Of The Design Review Board's Order Relating To DRB File No. 23062 To Locate A Distributed Antenna System (DAS) Node At 1604 Alton Road. **11:00 a.m. Public Hearing**

(Planning Department)

ACTION: Title of the Resolution read into the record. Item opened and continued to February 11, 2015. Motion by Commissioner Weithorn; seconded by Vice-Mayor Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson.

Handout or Reference Materials:

1. The Miami Herald Ad 952
2. The Miami Herald Ad 972

9:23:48 a.m.

R7C A Resolution Approving And Authorizing The City Manager To Reallocate \$171,179.00 Of FY 2013/2014 Home Investment Partnerships Program (HOME) Funds; Approving And Authorizing The City Manager To Reallocate \$364,646 Of FY 2014/2015, \$39,634.95 Of FY 2013/2014, \$175,357.72 Of FY 2012/2013, And \$73,577.24 Of FY 2011/2012 Community Development Block Grant (CDBG) Funds; Amend The FY 2014/2015 Action Plan; Amend The FY 2013 Through 2017 Consolidated Plan; Issue A Notice Of A Thirty (30) Day Public Comment Period And Scheduling Of A Public Meeting On The Proposed Substantial Amendments To The City's FY 2014/2015 Action Plan And Consolidated Plan; And Reallocate The Aforesaid Amount Of CDBG And HOME Funds For The Acquisition Of The Miami Beach Community Development Corporation (MBCDC) Properties In Accordance With Resolution No. 2014-28756 For The Acquisition Of The Following Properties: Allen Apartments; Barclay Plaza Apartments; Lottie Apartments; Madeleine Village Apartments; And Neptune Apartments (The "MBCDC Properties").
(Housing & Community Services)

ACTION: Resolution No. 2014-28877 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco. Voice vote: 6-0; Absent: Commissioner Wolfson. **Maria Ruiz to handle.**

Direction: As a condition/direction to approving this item, the cameras are to be included in the next CDBG cycle.

Maria Ruiz, Director of the Office of Housing & Community Services, explained the item. This particular item has a two-fold purpose. The first item provides the funds that to enable the City to acquire the Neptune and Allen apartments, two of the five MBCDC properties that the Commission has already asked the Administration to acquire. The second item enables the Department to catch up on all of the bookkeeping. One of the challenges that she inherited when she took over this particular Department was disarray with respect to the accounting of all prior years. This will allow them to sweep those funds that in the past have made it incredibly challenging for the City to meet its timelines ratios and put the City at risk of losing additional funds. It is part housekeeping as much as it is the acquisition of the properties that they want to add to the City's portfolio.

Commissioner Weithorn stated that she had previously asked questions, and inquired if the Administration had been able to obtain answers to her questions.

City Manager Morales asked Ms. Ruiz to respond to the question about the two North Beach reprogramming, particularly the money for the cameras in North Shore Open Space Park.

Ms. Ruiz explained that the North Beach Quality of Life Funds has the funds to purchase the cameras. That is already in the budget.

Commissioner Weithorn stated that this troubles her. That is an area where they are spending so much time, and they are now taking money out of the left pocket, moving it to the right pocket for this issue. Quality of Life dollars are very difficult to come by. They have a huge amount of projects, including the Park that the Blue Ribbon and the Commission want to do and she is concerned that they are going to get to the end of the road and they are not going to have the money they want. This troubles her terribly.

Ms. Ruiz added that one of the other items that perhaps might help Commissioner Weithorn put things into perspective is that the acquisition of these properties, if not done in a timely matter, not only risks the loss of these properties, but also further jeopardizes MBCDC's solidity, so the City risks impacting hundreds of other affordable housing units throughout the City if MBCDC is not able to protect and manage its portfolio.

Commissioner Weithorn is not suggesting we not do it, but wants a guarantee that the City is going to get this money back. If Commissioner Weithorn is told "Don't worry Commissioner, we will find a pool of funds, which will allow us to do what is needed in the park" then she is agreeable to it. Commissioner Weithorn is not willing to take money from one end of town to another end of town, where we already have great needs. What we are doing is a budget trick. Commissioner Weithorn does not disagree that we need to do it. Commissioner Weithorn made it clear that she is not criticizing what Ms. Ruiz is trying to do; she is just not comfortable with how we are getting there.

Commissioner Tobin complimented Commissioner Weithorn.

City Manager Morales inquired of Ms. Ruiz if they could include the cameras in the next CDBG funding cycle.

Ms. Ruiz responded "yes," and added that it was their initial recommendation to do so.

Commissioner Weithorn added as condition/direction to approving this item, for the cameras to be included in the next CDBG cycle. Commissioner Weithorn explained that as one cannot spend next year's money today, her statement is made as a condition or direction.

Commissioner Tobin added that the cameras do not appear in the source of funds.

Commissioner Weithorn responded that it is because the memo talks about taking funds from other places. We are taking projects and other priorities that we thought were important, and we are moving unspent dollars. Unspent dollars from the past should be recaptured. However, she is focusing on current year unspent dollars, which the City is now saying, "we thought these projects were important six months ago; however, we are now taking them away."

Commissioner Tobin added that what they were speaking about are "accounting things," and not a criticism of Mr. Ruiz's office.

Commissioner Weithorn reiterated that it was not a criticism of Ms. Ruiz.

Commissioner Tobin complimented Ms. Ruiz's hard work and the great things she does for the City. They are merely talking about a source of funds issue.

City Manager Morales stated that page 559 of the Agenda contains the breakdown of where the budget is coming from.

Commissioner Weithorn moved the item, including her previous direction. Item seconded by Commissioner Grieco.

9:28:38 a.m.

R7D A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee At Its November 12, 2014 Meeting, And Authorize The City Administration To Proceed With The Revised Conceptual Master Design Plan For Improvements To North Shore Open Space Park (The Project), With The Design And Construction Amount Of Such Project Not To Exceed \$6.69 Million, And Further To Explore The Procurement Of A Concessionaire To Operate A Restaurant In North Shore Open Space Park.

(Parks & Recreation)

ACTION: Resolution No. 2014-28878 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Grieco. Voice vote: 6-0; Absent: Commissioner Wolfson. **John Rebar to handle.**

John Rebar, Parks and Recreation Director, introduced the item. Mr. Rebar is here to bring forward the item that was discussed at the last Finance Committee meeting. It is the issue in the Master Plan that the Commission has been seeing from West 8 as it relates to North Shore Open Space Park and the development to the north. West 8 has done a wonderful Master Plan, at the developer's expense; not paid by the City. It is a great Plan, and that Plan is well over \$10 million. We are contemplating what to do with this contribution for the easement, and at the Finance Committee we brought forward a reduced Master Plan to go ahead and start doing work at the Park. They are looking for authorization and to clarify the total. What they presented at Finance was the top end of the range at \$6.69 million. However, the actual motion from the Finance Committee was "in the \$6 million range." We need to harden up what that cap is for the Administration to be able to proceed. So the CIP Department can put out an RFQ to take the Master Plan as a base concept, and put on the street now, in order to get a design and construction drawings to start redeveloping the Park.

Mayor Levine state that we are expecting to receive \$10.5 million from the Martin Group; but it is not guaranteed. Mayor Levine thought the consensus was that they were going to spend half that amount of money to redo the Park, which would be \$5 million and change. How did we end up in the high \$6 million, the Mayor asked. Mayor Levine inquired if for \$5 million one cannot redo a park.

Commissioner Weithorn stated that the Park has been largely the same for a number of years and it should be the cornerstone of the north end given its location. Commissioner Weithorn stated that \$25 million was spent on South Pointe Park and that was existing parkland.

Commissioner Weithorn explained that at Finance they looked at the Master Plan and recommended trying to get close to the half number.

Mayor Levine inquired of Mr. Rebar if the City's figures, based on his experience, are in the right ballpark here.

Mr. Rebar responded in the affirmative, and added that of course we could cut the scope down to whatever amount, and the Administration has really tried hard to cut the expense. The

Administration is estimating at the \$5 million mark to get the components, take down the fence, make it attractive, make the sea grape safe and add enough components that it becomes an inviting space. However, with soft costs, permits and design fees, that is between one and \$1.3 million on top of the construction. That is how we crept from \$5 million to over \$6 million. Mr. Rebar added that they would negotiate down the soft cost as low as they could go.

Vice-Mayor Malakoff stated that she thinks that negotiations to lower costs are important and she strongly believes that we should not be spending the money until we get it.

Mayor Levine agreed with Vice-Mayor Malakoff.

Mr. Rebar agreed as well.

Commissioner Grieco inquired why we are calling it Open Space Park; there is not a lot of open space.

Commissioner Steinberg inquired if the \$6 million included a reserve for maintenance.

Mr. Rebar responded that the \$6 million does not include the capital renewal replacement fund that was discussed; said fund is needed so we could keep the Park looking new.

Mayor Live reiterated that we do not want to start spending the money until it is received.

Commissioner Steinberg agreed, and added that we need to be smart about it. We cannot spend money we do not actually have yet.

Commissioner Weithorn stated that in government we could not do that on capital projects. Somebody much smarter than all of us have set rules in government financing that the City cannot spend money it does not have.

Discussion was had about renaming the Park.

City Manager Morales explained that this item is just approval of the revised conception Plan; the name is a separate item.

Commissioner Tobin moved the approval of the item; seconded by Commissioner Grieco.

City Manager Morales announced that the North Beach Blue Ribbon panel is looking at branding for North Beach, including possibly coming up with ideas for the park's name. The North Beach Blue Ribbon Panel may present something to the Commission in the future. **Jeff Oris to handle.**

Handouts and Reference Materials:

1. North Shore Open Space Park – November 12, 2014 by 8701 Collins Development, LLC & WEST 8.

09:35:25 a.m.

R7E A Resolution Adopting The 2014 North Beach Revitalization Plan.
(Tourism, Culture & Economic Development)

ACTION: Resolution No. 2014-28879 adopted. Motion made by Vice-Mayor Malakoff; seconded by Commissioner Grieco; Voice-vote; 6-0; Absent: Commissioner Wolfson. **Jeff Oris to handle.**

Jeff Oris, Economic Development Division Director, presented the history of the 2014 North Beach Revitalization Plan. They have been working with the plan for quite some time, and it was presented before a Workshop of the Commission on November 20, 2014. Mr. Oris proceeded to give an overview of the Master Plan, which came out of a massive public input process. He explained that they hosted four public input meetings to find out what the public was looking for and what they wanted. In addition, the Mayor's Blue Ribbon Panel on North Beach has met 22 times. The Mayor's Blue Ribbon Panel has also investigated in depth a number of the items contained in the Master Plan and given its approval. A number of projects have been completed in North Beach in the time that they have been working on the Plan, including the fountain refurbishment and trolleys put in place. Almost all the parks in North Beach have been touched in some way or another for improvement, including a great deal of the smaller neighborhood pocket parks, and have been given pretty much new life. However, they have not touched some of the larger parks such as North Shore Open Space Park, which has not seen significant improvement yet. The intent of the Plan is to provide a review of existing conditions, review some of the studies that have been done to date, to engage the public on the Master Plan and provide an action list of projects for the area. As the Blue Ribbon Panel repeatedly asked for a Master Planner and the Commission has approved going ahead with that, this Master Plan really does not go into very deep discussion about zoning and such. It is a presentation of quick and dirty, down and dirty action items the City can undertake, and includes a number of things that government customarily does, including rehabilitating a number of streets. North Shore CIP projects have been on the books a number of years, and they are now getting it moving. It includes creating a hierarchy of crosswalks for pedestrians, and bringing back a sense of neighborhood in a number of the delineated neighborhoods in North Beach. The Master Plan includes increasing parking in the area and ensuring that the parking lots in North Beach contain landscaping. There are a number of projects intended to improve streets, parking and add landscaping.

Mr. Oris continued explaining that one of the key things that is also necessary in North Beach for its movement into the future is parking, both commercial and residential. They heard a number of the residents come forward and say that they really are missing parking. The tough part is adding more parking with green space with the limited right of way in the area. The Plan is to start looking at residential parking on parcels of land rather than within the right of way, and the potential to review the need for parking structures in residential areas. If we do that, it would be some time in the future. There is enough commercial parking in North Beach to satisfy what they have going on in North Beach right now. However, no one else is going to move there and bring any business of any size unless there is additional parking. We all know City lots in North Beach are key to the parking success. The Commission has approved moving forward with negotiation of air rights with AT&T for lots they have that would end up in the mix. However, that parking is critical to the Town Center. The other things we looked at include the street ends in the area, most of which terminate at waterways, they should all be done in a park-like setting so they don't become collectors of trash. Additionally, there is a need to make sure all the streets are properly marked. One of the things that make an area look tired and old is when the striping starts to fade. There are a couple of key redevelopment projects that really need to happen in North Beach, besides the Master Planning effort. The City needs to find an appropriate location in the Town Center for parking structures. Additionally they wish to make the area around the fountain pedestrian friendly by closing Rue Vandome. Possibly bring restaurants that can place their tables and chairs in the fountain area. Now the fountain is an isolated structure in the middle of the street that few people get to experience. If we can bring it into the fold, it can become a place that everyone can then experience. They can have outdoor dining near the fountain with possible small entertainment options. They will then be able to attract more restaurants to the area, more foot traffic at certain times, which can then enhance the retail experience and they will not see business vacancies in the fountain area as we see now. The bridge should also be enhanced.

Another site that is a key redevelopment project is the Byron Carlyle site. We need to find a quality anchor for that site. That way, we have essentially a bar bell in that area, with the fountain anchoring one side and Byron Carlyle anchoring another. If this is done, there will be a reason for retail to be in the area; retail that is a little bit higher level than what there currently is.

Commissioner Grieco loves the idea of closing Rue Vandome.

Mr. Oris added that some of the key next steps are talking with FDOT about updating the bridge and finding a quality anchor use for the Byron Carlyle. One of the things we have is that we have attracted O Cinema to that site. There is a desire to keep them there. The community is happy with O Cinema in the mix.

Commissioner Tobin spoke about parking. At the Finance and Citywide Projects Committee, they had a presentation on South Shore Drive, and there are two lots there. There was discussion that perhaps we would entertain parking structures on those lots, which are in a residential neighborhood. Commissioner Tobin wants to make sure that at least we are cognizant of the fact that some of these neighborhoods are perfect walking and bicycle type neighborhoods, and most of the buildings were designed with insufficient parking. Commissioner Tobin hopes that we are not going to put up many parking lots without considering these neighborhoods are perfect new urbanism locations where we can make the pedestrian and bicycle experience better, as opposed to pumping a lot of parking to the area. Commissioner Tobin does not want to spend public dollars building parking lots for all the apartment building speculators that have aggregated properties and have put in tenants without thinking about parking.

Mr. Oris responded that he believes the lots Commissioner Tobin is talking about are owned by the Housing Authority. They had discussions with the Housing Authority about utilizing those lots on a temporary basis, until the Housing Authority builds something there. At least for the short-term it provides a relief valve. Then there would be further discussion with the Housing Authority about whether it is appropriate to add a little extra parking at their site that somehow the public could use once they have constructed the units they want there. They are looking at it as part of the mix rather than outlining it as just the parking site, but to try to include something with the projects they are putting together.

Commissioner Weithorn stated that she dislikes using such parking on a temporary basis, as it creates the expectation that parking will always be there. She would prefer that we repurpose the area temporarily as recreation use. She dislikes using it as parking, because of the expectation it creates.

Vice-Mayor Malakoff stated that one thing that was not mentioned is drainage, water and sewer, and lighting. She assumes that is all part of the Plans.

Mr. Oris responded that drainage is included. They have included in their discussions sea level rise as well. One of the key components is that infrastructure is quite aging. Therefore, any time they touch above the street, they need to fix what is below the street, so they do not have to rip it up afterwards.

Manager Morales added that one of the projects the Commission recently put an emphasis on was up in the Crespy Park area; the flooding that comes over the seawall, it has now been connected to a pump. That is one of the projects we are moving on.

Motion to accept the plan by Vice-Mayor Malakoff. Motion seconded by Commissioner Grieco.

Nancy Liebman spoke and complimented the plan; and stated that a Master Planner was needed.

Commissioner Weithorn stated today's proposal to agreeing with this Plan is part of the Master Planner selection process, because at least it gives the Planner parameters for some of the Commission's vision in North Beach. Commissioner Weithorn asked when they are seeing the approval of the Master Planner.

Assistant City Manager Joe Jimenez stated that what they discussed at Land Use, and they also took it to the Blue Ribbon, was to come up with a deliverable. A Master Plan is just vague word. Therefore, we wanted to get the community's input. It was always meant to be comprehensive. However, a comprehensive Master Plan of an area that size could take a long time. Mr. Jimenez knows that they want some action items very quickly. We were looking for deliverables. He agrees with Ms. Liebman that the Master Plan must be comprehensive. They are trying to prioritize certain areas. Mr. Jimenez added that Alex Denis, Procurement Director, and he have been discussing it, and they hope to bring it to Commission in January 2015. **Alex Denis and Joe Jimenez to handle.**

Commissioner Tobin requested for the Administration to ask the Master Planners if they feel like anything the Commission has done particularly restricts them. Leave open the dialogue with the master Planner for them to say, if applicable, "this doesn't make." **Alex Denis and Joe Jimenez to handle.**

9:34:17 a.m.

R7F A Resolution That The Mayor And City Commission Hereby Accept The Recommendation Of The Land Use And Development Committee To Allow A Faena Design To The Beachwalk Along The Faena District, And A 100 Foot Transition Area North And South Of The Faena District; And Shall Require Faena To Be Responsible For The Design, Construction, And Maintenance Of The Faena Portion Of The Beachwalk And The Rights-Of-Way Within The Faena District, As Reflected In The Faena Beachwalk Plan Attached Exhibit 1.

(Requested by Commissioner Michael Grieco)
(Legislative Tracking: Planning/Office of the City Attorney)
(Continued from November 19, 2014 - R9M)

ACTION: Resolution No. 2014-28880 adopted. Motion made by Commissioner Grieco; seconded by Vice-Mayor Malakoff. Voice vote: 6-0; Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

Commissioner Weithorn inquired if Faena was going to pay these differences.

Commissioner Grieco responded that Faena was going to pay for "every cent."

Commissioner Weithorn wanted to ensure that Faena will pay for the design, construction and maintenance of the Faena portion of the beachwalk and the rights-of-way within the Faena District; and that this fact was clearly stated in the agreement.

City Manager Morales responded that the recommendation is to adopt the Resolution inclusive of a provision that Faena bear the entire cost.

Commissioner Tobin inquired as to who would pay for the maintenance.

City Attorney Aguila responded that Faena is assuming the maintenance costs; Faena is maintaining it.

Assistant City Manager Joe Jimenez added that this agreement supersedes the development agreement.

Vice-Mayor Malakoff asked that the agreement be recorded.

Motion made by Commissioner Grieco; seconded by Vice-Mayor Malakoff.

9:49:28 a.m.

R7G A Resolution Authorizing The City Manager And City Attorney To Work With Lincoln Road Property Owners Association, Inc., To Establish A Special Assessment District To Stabilize And Improve The Lincoln Road Retail Business District Through Promotion, Management, Marketing, And Other Similar Services, Pursuant To Chapter 170, Florida Statutes.

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution No. 2014-28881 adopted as amended. Motion made by Commissioner Grieco; seconded by Vice-Mayor Malakoff. Voice vote: 6-0; Absent: Commissioner Wolfson.
Office of the City Attorney to handle.

AMENDMENT: Include Ocean Drive.

Commissioner Grieco explained that the Lincoln Road property owners have retained a consultant for purposes of putting together a Business Improvement District (BID) / a Special Taxing District. Commissioner Grieco wants to see the City working with them on that and he wants to obtain

support from his colleagues to do so. The consultant the Lincoln Road property owners have hired is the same consultant that worked with Wydwood and Miracle Mile.

Commissioner Weithorn asked if Commissioner Grieco could broaden this request to include Ocean Drive. If Ocean Drive in the next six months or a year decides they that they want to commence a Business Improve District, then it does not have to come back to Commission.

Both Mayor Levine and Commissioner Grieco thought Commissioner Weithorn's suggestion was a great idea.

Motion made, as amended, by Commissioner Grieco. Seconded by Vice Mayor Malakoff.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(Office of the City Clerk)

ACTION: The following appointments were made:

GAY, LESBIAN, BISEXUAL AND TRANSGENDER (GLBT):

David Leeds Term ending 12.31.2016 Appointed by Mayor Levine TL12/31/21
EFFECTIVE 01/01/2015

SUSTAINABILITY COMMITTEE:

Cheryl Jacobs Term End 12.31.16 Appointed by Vice-Mayor Joy Malakoff TL 12.31.2021
EFFECTIVE 01/01/2015

Handouts or Reference Materials:

1. LTC 420-2014 dated December 15, 2014 Re: Affordable Housing Advisory Committee Vacancies.

R9A1 Board And Committee Appointments - City Commission Appointments.
(Office of the City Clerk)

ACTION: No appointments were made.

Handouts or Reference Materials:

1. City Commission At-Large Nominations for December 17, 2014 – Release #1
2. City Commission At-Large Nominations for December 17, 2014 – Release #2
3. City Commission At-Large Nominations for December 17, 2014 – Release #3
4. Email from Steve Pynes dated December 5, 2014 RE: MDPL: HPB Nominees for December 2014.

8:32:38 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

ACTION: The following individuals spoke:

1. Brenda Jordan spoke on the Artists' Vendors Program regulations and enforcement. She stated that she had a non-profit organization teaching art, worked with the Art Center and around the County, and feels the program needs revamping because real artists are not getting a fair share in the City. Art Basel came in because of the Arts. This program keeps the community vibrant. The criteria should be, "Can you actually make your art in front of the Board."

Max Sklar, Tourism and Economic Development Director, explained that the Fine Arts Board was dissolved, and now they have internal staff as the panel and they observe artists as they make their products. They have an enforcement issue at the present time. They show how they make their product, but *bead stringing* is the most difficult category. Code and the Office of the City Attorney are researching this.

2. Nancy Liebman spoke about an issue that was sent to the Neighborhood/Community Affairs Committee at the end of the summer, 17th & Alton and surrounding area, Dade Boulevard, 16th Street, Venetian Causeway and including the Convention Center. This discussion at NCAC did not take any position to move it forward and it was in limbo. The staff did an exemplary job in creating a report. The Convention Center will start ground breaking at the end of next year as well as other projects like Sunset Harbour and all of this is affecting the residents. She asked the Commission to read the staff report and ponder upon it.

Commissioner Grieco agrees with Ms. Liebman and explained what that he separated the item from the Consent agenda, so that the information is available to the entire Commission.

Clerk's Note: See discussion with item C6B.

Discussion continued.

Commissioner Grieco commented that he had a good conversation with the City Manager and Assistant City Manager about this. Our roads must remain clear. Our roads, if clear, are adequate. The breakdown is granting right-of-way permits when we should not be. The abuse

occurs by construction vehicles and utility vehicles when they block the right-of-way. Commissioner Grieco talked to law enforcement; they wrote a great deal of tickets, but it goes beyond that; Code Enforcement should take these vehicles off the road first, and then law enforcement should deal with the citations.

Discussion continued.

3. Alex Heckler commended City Manager Morales for fighting for the Convention Center and Lincoln Road. Mr. Heckler applauded the City Manager for his success before the County Commission on the Convention Center project.

Commissioner Weithorn explained that Mr. Heckler is raising extra money for people suffering from Cancer. She will be riding the Dolphin Challenge/Cycling Challenge. They have already raised \$4 million. Mr. Heckler and Commissioner Weithorn explained the Ride for Charities, a 12-consecutive-month fund raising program that will start sometime next year.

Jimmy L. Morales thanked Alex Heckler for his comments of recognition. He stated that it was a great team effort and thanked County Commissioners Sally Heyman, Bruno Barreiro and County Mayor Gimenez for their support.

Handouts or Reference Materials:

1. Letter from Mary Elizabeth Donnelly to Honorable Mayor Levine and Commissioners RE: Request to remove Abe Resnick's name from Dade Boulevard, dated December 8, 2014.

1:04:23 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

ACTION: The following individuals spoke:

1. Dr. Wright owns a piece of property and she has questions on an agenda item regarding variances and changes. She feels there should be less restricting zoning available. She is not permitted to go more than five stories. Her property is in the CD-2 area.

Commissioner Tobin and Vice-Mayor Malakoff suggested that she stays during the meeting until the item comes up, and in the interim, staff will assist her.

2. Sonia Navarro stated that during the 2013 Election campaign the promise was to improve quality of life for residents and so far, it is worsening. When issuing permits the needs of residents have never been considered. The Carlton Hotel has at this moment two parking lots, but permission was given to change the look of the building. When they build on that parking lot, traffic is expected to transverse her corner. She asked the Commission to look into this. She added that there is conflict of interest in the Historic Preservation Board. Several

times they visited owners of projects, but refused to speak to neighbors who would be affected. There have also been several meetings on reforming Ocean Drive and she is concerned that if Ocean Drive is closed to vehicular traffic, the traffic will go to the middle of Ocean Drive Court.

Vice Mayor Malakoff explained to Ms. Navarro that the plan is to widen the sidewalk on Ocean Drive, and not to close it. She added that lifeguards are only there for tourists from 9:30 a.m. to 5:00 p.m., and seniors therefore could not take sun before 9:30 a.m.

3. Sonia Brill-Navarro, Sonia Navarro's daughter, spoke. The problem for seniors is that they cannot swim on the beach prior to 9:30 a.m., as there are no lifeguards. She asked if there is a way to have lifeguards to begin shift earlier, perhaps starting at 8:00 a.m.

Commissioner Weithorn explained to Ms. Brill-Navarro that when Fire Chief Virgilio Fernandez returns to the Chamber, they would ask him about the request. **Chief Virgilio Fernandez to handle.**

Commissioner Weithorn agreed that the trucks should not turn left at the intersection in question, and asked the City Manager, for the safety of residents, not to allow trucks making left hand turns. **Jose Gonzalez and Police Department to handle.**

4. Stanley Shapiro stated that he walked down Espanola Way, and it is a treasure. It is like New Year's Eve there; it makes you feel good. He has issues with Miami-Dade Transit. Recently, four buses broke down in four days. Circular buses are a public disgrace. The circular buses should be replaced by trolleys. Miami-Dade County lies to Mr. Jose Gonzalez, the City's Transportation Director. Mr. Shapiro added that last Sunday, in the dark, 13 people waited 49 minutes for the circulator to arrive. Mr. Shapiro has asked Mr. Gonzalez for a report. Half the Circular bus drivers do not speak English. Mr. Shapiro recognized Vice-Mayor Malakoff for her efforts in banning cell phones while driving.

Handouts or Reference Materials:

1. Map distributed by Dr. Wright.

10:48:18 a.m.

R9C Discussion Regarding Funding For Removal Of The Pine Trees On Pine Tree Drive.

(Requested by Commissioner Jonah Wolfson)

(Continued from November 19, 2014 - R9Q)

ACTION: Discussion held.

Vice-Mayor Malakoff introduced the item.

Discussion held.

Mark Taxis, Assistant City Manager, stated that there are 175 trees total on Pine Tree Drive. Two priority 1 trees were removed by the County. There are an additional 13 priority 2 and 3 trees, which the County will remove at their expense during January 5-16.

Vice-Mayor Malakoff stated that it is her understanding that the trees were removed because they were diseased and posed a danger to people.

Assistant City Manager Taxis stated the trees were removed due to their danger, and they will continue to work with the County on structural pruning for the remaining trees so that they can last longer.

Vice-Mayor Malakoff asked for an update on the introduction of slash pines to Pine Tree Drive.

Mr. Taxis replied that they are observing the health and growth of the slash pine, and have introduced a second type of pine to see if it does better

10:49:44 a.m.

R9D Request The Commission Overturn The September 9, 2014 Decision Made By The Historic Preservation Board To Create An Additional Historic District.

(Requested by Commissioner Deede Weithorn)

(Legislative Tracking: Planning)

(Requested on September 10, 2014 - R9Z)

ACTION: Discussion held. Commissioner Tobin charged the Planning Department to drive around North Beach and identify significant buildings and come back to the City Commission so that those buildings can be saved from demolition. **Thomas Mooney to handle.**

Commissioner Weithorn stated that it is important to do this the right way to have terrific results and the Master Plan is the key to get things right.

Commissioner Tobin asked if there was a supplement done on this.

Thomas Mooney, Planning Department Director, explained that there was no supplement done because it is still a discussion item.

Discussion held.

Commissioner Weithorn wants to make sure that the Master Plan had the right district and the right zoning pieces.

Commissioner Tobin asked that while this is pending, can people start demolishing buildings there and what can they do to protect significant buildings from demolition?

Mr. Mooney explained that unless the Commission refers the item to HPB to restart the process, there is no pending designation, so there is no zoning in progress on demolition.

Discussion continued regarding demolition and the Master Plan.

Former Commissioner Nancy Liebman stated that the Blue Ribbon Committee members wanted to compartmentalize various issues; to her the most important pressing issue is designation, because not only some buildings may be lost, but also there is no protection or guideline. She urged the City Commission, when talking about the Master Plan, to have the preservation and design guidelines to take precedent, not the public places where they have total control. The Master Plan is eminent.

Vice-Mayor Malakoff added that the historic preservation component is to be heavily considered in the Master Plan.

Discussion continued.

Commissioner Tobin asked if there are any buildings to be demolished.

Mr. Mooney stated that there are no demolition permits for iconic buildings, but they have not seen a rush of demolition applications for any buildings.

Commissioner Tobin charged the Planning Department to drive around North Beach and identify significant buildings and come back to the City Commission so that those buildings can be saved from demolition. **Thomas Mooney to handle.**

Mr. Mooney stated that his Department can put together a list of significant buildings where there is not a demolition permit and present it to the City Commission by the next meeting (January 14, 2015). **Thomas Mooney to handle.**

10:58:00 a.m.

R9E Discussion Regarding Resolution No. 2013-28437 From December 11, 2013, Revisiting Commission Committee Provisions.

(Legislative Tracking: Office of the City Attorney)
(Requested on December 11, 2013 - C7Z)

ACTION: Discussion held.

Commissioner Weithorn recommended taking no action.

Vice-Mayor Malakoff explained, for the public, that there are currently four Commission Committees: Neighborhood/Community Affairs, Finance and Citywide Projects, Land Use and Development Committee and the addition of the Flooding Mitigation Committee. The Mayor may serve as an alternate member on any City Committee, and he appoints the chairperson and vice-chairperson. The Mayor can also be a member of the committee.

Commissioner Weithorn recommended taking no action. There was a consensus to take no action.

10:59:24 a.m.

R9F Request The City Of Miami Beach To Ask Our Lobbyists To Use Their Best Efforts To Request Legislation To Prohibit Handheld Cell Phone Use While Operating Motor Vehicles.

(Requested by Vice-Mayor Joy Malakoff)

ACTION: Discussion held. Request made. See action with R9G. Motion by Vice-Mayor Malakoff, seconded by Commissioner Weithorn to add the prohibition of handheld cell phone use while operating motor vehicles to the priorities for the Lobbyists Legislative Agenda; Voice-vote: 6-0; Absent; Commissioner Wolfson. **Joe Jimenez to handle.**

Vice-Mayor Malakoff requested adding to the City's Lobbyist Agenda an effort to request legislation to prohibit handheld cell phones when people are driving.

Joe Jimenez, Assistant City Manager, will add to the Lobbyists Agenda.

1:31:41 p.m.

R9G Discussion And Approval Of The 2015 State Legislative Priorities.
(City Manager's Office)

ACTION: Discussion held. Motion made by Vice-Mayor Malakoff; seconded by Commissioner Weithorn to add legislative priorities as follows; Voice-vote: 6-0; Absent: Commissioner Tobin.

LEGISLATIVE PRIORITIES:

Prohibit Handheld Cellphone Use While Operating Motor Vehicles

Police Officer Use of Body Cameras/Public Records component

Sea Level Rise/Climate Change/Coastal Flooding

Beach re-nourishment

Convention Center

Atlantic Greenway Network

Transportation

Prohibit the State from pre-empting anything that can currently be regulated by municipalities.

Joe Jimenez, Assistant City Manager, explained that what is provided in the Agenda package is their recommended list of legislative priorities, with the addition of the recommendation by Vice-Mayor Malakoff of prohibiting handheld cell phones use while operating motor vehicles.

Jimmy L. Morales, City Manager, explained that the Police body cameras public records issue is one that other cities are looking at, especially at the cost of the public record aspect of this. There are organizations in Washington State that are doing massive public record requests for video, and responding to the requests is very expensive. There are also privacy/confidentiality issues raised as well, and one of the issues that is critical is do they want to encourage other municipalities to adopt this technology, how does the City change the law to facilitate and not make it burdensome.

The issue on parking citation fee is that there needs to be a flexible policy, and the current fee of \$18 for a parking fine is too low. It is less expensive to pay a parking fine than pay parking costs during events.

Michael Cantens, Corcoran & Johnston Government Relations, explained that there was a bill filed today by Senator Aultman to enhance penalties for texting while driving, and this could potentially be a vehicle for prohibiting using cell phones while driving as well.

Discussion held.

Commissioner Weithorn asked if her priorities are included and Mr. Jimenez stated that all the priorities were listed; however, they have a standing opposition to any municipal pre-emption.

Discussion held regarding pre-emption, term rentals, and parking on State roads.

Commissioner Weithorn requested to add strong language so that they know that the City of Miami Beach opposes pre-emption.

Vice-Mayor Malakoff reiterated the urgent need for assistance from the State and Federal levels on beach re-nourishment as well as help our infrastructure against sea rising flooding, funding for

climate change, coastal flooding, Convention Center, Atlantic Greenway network and transportation needs. She urged them to use their best efforts.

Mr. Cantens commended Joe Jimenez for bringing those issues to their attention already, which they have been working on.

1:38:50 p.m.

R9H Discussion Regarding New Seawall Requirements And Its Effect On Single Family Homes And Neighboring Properties.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Heard in conjunction with R9I. See action with R9I.

1:38:50 p.m.

R9I Discussion Regarding Seawall Height Standards And Its Impact On Single Family Home Development.

(Requested by Mayor Philip Levine)

ACTION: Discussion held.

MOTION 1:

Motion made by Vice-Mayor Malakoff to approve the standard seawall height at 3.2 NAVD or 4.76 NGVD with a caveat of an additional cap of 2 feet, and referring item to LUDC; seconded by Commissioner Weithorn; Voice-vote: 6-0; Absent: Commissioner Wolfson.

MOTION 2:

Vice-Mayor Malakoff made a motion to refer to the Planning Board the new Ordinance relating to measuring from adjusted grade; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson.

REFERRAL:

Land Use and Development Committee

Mayor Levine explained that there are many people that came to speak on this item, and he thinks that what they need to do is to have the departments come together and coordinate efforts.

Vice-Mayor Malakoff explained that one of the problems is that the Building Department is using the Florida Building Code NGVD measurement, which is what Miami Beach has been using for years. The Public Works Department and the Engineering Department, on the other hand, are using NAVD measurements, which is the preferred by engineers in general. When converting an NGVD measurement of 5 feet 7 inches into NAVD, you get a seawall over 7 feet high. She is requesting revisiting this as soon as possible to come back to Commission with proper legislation in order to address the sea level rise and seawalls.

Mayor Levine stated the houses that are already in the pipeline need to move forward, and we need to revisit this legislation and raise the seawalls.

Jimmy L. Morales, City Manager, explained that Federal and State agencies and even the Florida Building Code have not adopted NAVD, and while Public Works and Engineering want to move towards NAVD measurements, legally we cannot make that change yet.

Commissioner Steinberg asked if they are including the condominiums as well as single-family homes. She was informed that all seawalls with the single-family homes are included.

Discussion held regarding seawalls.

Eric Carpenter, Public Works Department Director, thinks that the City would need to go with something along the lines of the existing performance. Currently the prerequisite is a seawall height of 3.2 NAVD, he thinks that they might go to the height of 3.7 NAVD (5.26 NGVD) and then convert from 3.7 NAVD to 5.7 NAVD at some point in the future. They would need to find when that triggering mechanism is to go from 3.7 NAVD to 5.7 NAVD.

Discussion continued regarding the equivalent of NGVD.

Todd Glaeser, Miami Beach Resident, stated that the decision that was made needs to be looked at carefully. The City needs to speak in terms of NGVD to avoid conversions and mix-ups. There is an area in Miami Beach where the NGVD base flood elevation for a home is 7 feet; the seawall is 5 inches higher than the house requirements first finished floor, so that does not work in some areas. If this is raised to the 5.4 NGVD, how will it affect other neighbors and properties? A meeting needs to take place with the owners, developers and builders, and everyone needs to be clear on what needs to be done. He agrees with the Mayor that this should be put on hold. This needs to be fast tracked. The plans to build his property on Pine Tree Drive were approved, but there was no mention of the seawall, which is at 3.1 NGVD. When he tried to get the seawall permit later, he was told the seawall had to be at 7.6 NGVD.

Mayor Levine suggested referring this to committee.

Vice-Mayor Malakoff will be glad to review again at LUDC. The grading of the yard is very important as it relates to the seawall. She is concerned that people build new homes with seawalls that will be inadequate within a year or two.

Discussion continued.

Mayor Levine asked if they want to have a caveat that properties will have to carry the additional loads to add two feet.

Commissioner Weithorn suggested placing a moratorium today (without a date in the future), referring to LUDC some infrastructure requirement to allow them to expedite this, and engage experts in the industry and later address some of the technical issues.

Discussion continued.

Mayor Levine clarified that the moratorium is on the enforcement of what they are doing, since they are not ready yet.

Raul J. Aguila, City Attorney, explained that the moratorium is on the prior action with the 5.7 NGVD standards. He opined that the action in July was to accept the recommendation of the Flooding Committee adopting the higher NAVD standards. This Commission can amend that Resolution to stay the 5.8 NAVD requirement pending action today, so that they agree to leave it at 3.2 NAVD pending further study.

Discussion continued.

Vice-Mayor Malakoff explained that now, the standard could be 3.2 NAVD or 4.76 NGVD with this type of structure that they could allow for the concrete cap in the future to reach eventually the 7.6 NGVD.

Motion made by Vice-Mayor Malakoff to approve the standard of 3.2 NAVD or 4.76 NGVD with a caveat of an additional cap of 2 feet, and referring item to LUDC; seconded by Commissioner Weithorn; Voice-vote: 6-0; Absent: Commissioner Wolfson.

Robert Fine, Esq., representing Lion Heart Capitol, explained that when this Resolution was passed in July, there was a provision that seawalls and repairs at a cost of under \$300 for the linear foot, could be repaired and not subject to these additional requirements. His clients have the permits and applications in place, and Public Works, as far as his clients understand, have not been respecting that benchmark.

Discussion held.

Eric Carpenter, Public Works Department, Director, stated that he will be happy to assist Mr. Fine.

Commissioner Weithorn requested that if there is any interpretation problems, to send the item to committee for language clean-up. **Eric Carpenter to handle.**

Discussion continued.

Arthur Leibell, Esq., explained the problems he is facing with seawalls tilting on his 1947 property. He is asking for relief, because the permit was put with the County back in February, and he wants to go forward with that seawall at an estimate of \$60,000 to repair. He asked for the proper procedure.

Mr. Carpenter was directed to assist Mr. Leibell by Mayor Levine.

Lucia Dougherty, Esq., representing 26 Star Island, with a 6 NGVD. His neighbor is at 10 NGVD, and both property owners agree to have their house with a seven-foot wall at a higher grade. She asked that they separate that portion of this and refer to the Planning Board.

Thomas Mooney, Planning Department Director, stated that what Ms. Dougherty is referring to is a separate referral to amend the allowable encroachment section of the Code. Right now fences or any property, the height is measured from the sidewalk elevations and it has become problematic, not just for this particular property, but for a number of the particular properties throughout the City.

Vice-Mayor Malakoff made a motion to refer to the Planning Board the new Ordinance relating to measuring from adjusted grade; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson.

Glenn Larson, Dock & Marine Construction, spoke.

10:16:35 a.m.

R9J Discussion Regarding The Motion Passed By The Disability Access Committee And The Desire To Focus All Efforts And Resources On One Location For An Accessible Beach.
(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Motion by Commissioner Tobin to have handicapped parking spots at 64th Street Beach for the program and helping with the permitting; seconded by Commissioner Grieco; Voice-vote: 6-0; Absent: Commissioner Wolfson. **Saul Frances, Eric Carpenter and John Rebar to handle.**

Commissioner Tobin stated that they voted to make 76th Street Beach and 64th Street Beach more accessible, and the City's lobbyists made headway with the Department of Environmental Protection, and may be able to get the City some permission to have wooden steps for accessibility. He added that Sabrina Cohen envisions programming at either one of these beaches, where people can go from a wheelchair into a beach chair, and the way she explained to him is that it will not take anything away; it is only making it accessible. The programming element will need to be at a beach with enough parking. He asked his colleagues as to what beach would be appropriate for this.

Vice-Mayor Malakoff stated that the Disability Access Committee had requested the ADA beach be moved to 76th Street Beach where there is ample parking.

Commissioner Grieco explained that they discussed the idea of expanding the handicap parking during the daytime hours, and in the evening, there will be the same amount of parking spaces. During the day there will be handicapped parking. He likes the 64th Street Beach and if parking is the only issue, they can solve that.

Commissioner Weithorn stated that the beach at 76th Street is very narrow at that stretch and not safe; she is in favor of the 64th Street Beach. This area is wider and would be a safer environment. She thinks they should fix the parking for all beach goers. There are many ways to offer more parking.

Sabrina Cohen, President and Founder of the Sabrina Cohen Foundation, stated that both locations are beautiful, and they have discussed parking, storage facilities and bathrooms. On 64th Street, they have already the handicap bathrooms; however, 75 Street provides more room for expansion if the program is to grow. They talked about starting on 64th Street, get the parking issue resolved, get the programming up and a permit on site to put a trailer to store beach chairs and adaptable equipment her foundation will purchase and move forward.

Commissioner Tobin asked for assistance from the City with the parking lot and with permitting.

City Manager Morales stated that they would get this done.

Discussion continued.

Valeria Mejia, ADA Coordinator, stated that for every seven standard parking spaces, four accessible parking spaces could be accommodated, so they will lose at least three of the total count with the existing layout of the parking spaces. **Saul Frances to handle.**

Commissioner Tobin also suggested that the City purchase beach chairs.

Motion by Commissioner Tobin to have handicapped parking spots at 64th Street Beach for the program and helping with the permitting; seconded by Commissioner Grieco; Voice-vote: 6-0; Absent: Commissioner Wolfson. **Saul Frances, Eric Carpenter and John Rebar to handle.**

Commissioner Tobin wished Sabrina a Happy Birthday and presented her with flowers.

11:01:48 a.m.

R9K Discussion Regarding Applicability Of The City When It Comes To Styrofoam At Miami Beach Marina And Other Marina/Dock Facilities In Miami Beach.
(Requested by Commissioner Michael Grieco)

ACTION: Discussion held. Motion made by Commissioner Grieco to refer the item regarding testing the waterways referred to the Sustainability Committee. By acclamation. The rest of the discussion is to come back as first reading Ordinance. **Elizabeth Wheaton to handle.**

REFERRAL:

Refer the water testing to the Sustainability Committee

Commissioner Grieco stated that this City Commission is committed to protecting our waterways, beaches and parks. They were the trailblazers in the State for passing legislation prohibiting Styrofoam (polystyrene) in the City. As Chair of the Sustainability Committee, he noticed that the waterways and shorelines are still littered with Styrofoam and other products, which is coming from the boats in the Marina. The City owns the Marina and he wanted to see if there was consensus to draft legislation regarding the Marina in preventing individuals from bringing these items into the City waterways. The Ordinance as it stands prohibits the sale or use by City contractors, vendors and staff on City property. For Styrofoam coolers they cannot be brought into beaches and he wants to expand further the Ordinance to do everything they can to control what people bring to City property and coastline.

Vice-Mayor Malakoff agreed and added that the Yacht and Brokerages Show brings in some of the products and she would like to include that as well as the Marina.

Commissioner Tobin stated that there is a way to test the waterways for the dissolved oxygen content to detect how clean the canals are, and he suggested doing that at some point.

Commissioner Grieco requested including this as part of the Legislative Agenda in the upcoming year. He asked Commissioner Tobin to refer the item of testing the waterways to the Sustainability Committee and there was consensus to refer.

Raul J. Aguila, City Attorney, stated that the Ordinance provides that anyone walking through a beach or park carrying a glass or metal bottle or polystyrene container could be subject to citation under the litter Ordinance. He was having a discussion with Commissioner Grieco about this and he did not have recollection of that. He publicly apologized to Commissioner Grieco for not

recognizing the issue, and commended him for taking the lead. What Commissioner Grieco wants to do today is to expand the prohibition to all publicly owned Marina. People bringing Styrofoam products are putting them on boats and dumping them on the waterways. He will pursue this aggressively and his office is prepared to defend this Ordinance.

11:09:19 a.m.

R9L Discussion Regarding The Scheduling Of A Date To Conduct A Commission Workshop Specifically To Discuss Parks And Recreation Capital Projects.
(Parks & Recreation Department)

ACTION: Discussion held. Workshop to be held possibly in January 2015. **John Rebar to prepare and handle.**

John Rebar, Parks and Recreation Department Director, stated that what they have before them is a request to set a Commission Workshop or Retreat. They have a great deal of exciting things going on in the Parks Department. It has been about 18 years since the Parks Department saw A Parks Department Master Plan. There are existing conditions in some cases, not where they want them to be and they have many needs, so when they look at them all individually, they sound great. It is when they put them all on the wall and look at them holistically, and look at the maintenance, the staffing and is there a different way to go about it, it raises those questions. Therefore, he would like to discuss all such items holistically at a Workshop or Retreat.

Commissioner Weithorn thanked Mr. Rebar and commended him.

Discussion held.

Commissioner Weithorn suggested taking the first hour of the Neighborhood/Community Affairs Committee to discuss.

Commissioner Steinberg asked for clarification if the workshop would be in the Commission Chambers.

Mr. Rebar explained that his Department suggested an open setting where open dialogue can occur.

Discussion continued regarding possibly holding the workshop in January. Commissioners will be contacted to determine best date. **John Rebar to handle.**

11:12:31 a.m.

R9M Update On The Evaluation Of Traffic Circulation At 42nd Street And Pine Tree Drive.
(Requested by Commissioner Micky Steinberg)

ACTION: Discussion held. Options studied by the consultant to be made available to the City Commission, per Commissioner Grieco's request. **Jose Gonzalez to handle.**

Commissioner Steinberg stated that this stemmed originally with the conversation of the No U-Turn on Pine Tree and 42nd Street last January. They are getting the traffic study update. She asked what are the thoughts about expanding the scope to Prairie and making 42nd Street a two-

way lane all the way to school. This was a Quality of Education motion and recommendation, and since they are moving forward with these studies, she asked that this be included.

Jose Gonzalez, Transportation Director, explained that from a traffic perspective it might be beneficial. The request is very timely because the consultant is in the process of collecting data, and there are only a few days away from completing the traffic study.

Discussion held.

Mr. Gonzalez added that regarding improving access to the JCC, an LTC (LTC 419-2014) is being distributed that provides a status of where they are with the traffic study, which is almost completed. Once completed, it will be submitted to Miami-Dade County along with 30% concept plan for County approval. They would like to come back in January 2015 with an item for a Resolution from this Commission in support of the proposed modification. The alternate way of accessing, they believe that through a two-way conversion of one block of 42nd Street from Pine Tree to Sheridan, by converting that one block to two-way, then patrons are able to travel southbound, on Sheridan, and then make a left on 42nd Street, and then another left on Pine Tree, and access the JCC driveway much quicker than the current configuration.

Commissioner Grieco suggested contemplating a left turn arrow signal at that 42nd intersection.

Mr. Gonzalez explained that this was not the preferred option by the Department. That was one of the first options looked at and there were some disadvantages. They will distribute details on this.
Jose Gonzalez to handle.

Handouts or Reference Materials:

1. Copy of LTC 419-2014 dated December 12, 2014 RE: Evaluation of Traffic Circulation at 42nd Street and Pine Tree Drive.

8:57:52 a.m.

ADDENDUM MATERIAL 1:

R9N Discuss Suspending Enforcement Of The Newly Adopted Lincoln Road Bicycle Ordinance During The Holiday Season.

(Requested by Commissioner Deede Weithorn)

ACTION: Discussion held.

Commissioner Weithorn introduced the item.

Police Major Causey explained that when the signage was placed on Lincoln Road, during the first few weeks they handed out over a thousand flyers; they gave 949 verbal warnings, and 133 written warnings before any tickets were issued. During the two-week blitz they issued 402 citations, and last week after the blitz was over, they only issued 32 citations, gave out 18 verbal warnings, 124 verbal warnings and 18 written warnings.

Commissioner Grieco explained that he thinks they are doing what needs to be done. Some people are upset, but he believes signage is adequate. They can always improve signage. The City Manager is working on this issue with the hotel associations so tourist/people are adequately informed. It is not easy to sit here and pass laws and they cannot make everyone happy, but it is a quality of life issue.

Chief Oates suggested proceeding as they have; Police Officers can be told to exercise appropriate discretion and compassion during the holiday season.

Commissioner Weithorn stated that businesses have thanked her for the bicycle Ordinance. Her concern is regarding confusion and using discretion during the holiday days would be great.

Vice-Mayor Malakoff expressed that her concern is with tourists.

Chief Oates explained the discretion officers exercise with tourists is by giving them verbal notices.

Mayor Levine thanked the Police Department for doing a great job. The message is that it is the holiday season, but they should not slow down enforcement of this new law.

11:19:05 a.m.

ADDENDUM MATERIAL 1:

R9O Discuss The Modification Of Special Event Permit Criteria On Ocean Drive Between 9th And 12th Streets.

(Requested by Commissioner Deede Weithorn)

ACTION: Discussion held. Commissioner Grieco referred the item to Land Use and Development Committee; seconded by Commissioner Weithorn; Voice-vote; 6-0; Absent: Commissioner Wolfson.

REFERRAL:

Land Use and Development Committee

Joe Jimenez, Assistant City Manager, explained that they have been tasked with strict enforcement of a City Code that has not generally been enforced, and while they are catching some of the operators, other operators have been operating in technical violation of the Code for years, and they are being caught up on this. He explained that the owners of The Palace have a running show on the sidewalk that attracts a great deal of attention. He met with them in Commissioner Weithorn's Office and the Palace wants to legalize their operation. The item today is to modify the special event to allow for that, under strict guidelines, that would not be a free for all for everyone else in a specific area of Ocean Drive; this would be conditional uses, heavy security, fixed times, etc. He is asking for direction.

Mayor Levine suggested not legalizing this.

Commissioner Grieco stated that the Palace actually contributes to Ocean Drive, but he is afraid of opening up a Pandora's Box, and he does not know how to accommodate the Palace and Mango's to an extent, as they are good partners with the City, and legalize what they are doing when others may want to ask for the same rights.

Joe Jimenez, Assistant City Manager, explained that he shared those concerns.

Commissioner Weithorn suggested to either tell them no or find a way to make it work. There is a monthly special event permit, and if they violate the rule, the City will not approve. There are at least two establishments on Ocean Drive that have security. They can do it in six months and do it on a trial basis.

Mayor Levine is not sure this is the direction that they want Ocean Drive to go. He thinks these types of shows are wrong for Ocean Drive.

Vice-Mayor Malakoff added that the Ocean Drive Association should have an input. What is the vision of Ocean Drive in the future? Do we want an urban street, or do we want a friendly pedestrian experience? If the Association wants it with the big shows, then that it is a different story.

Commissioner Grieco personally wants to see if there is a creative way to embrace this as a cultural contributor to Ocean Drive. They should make effort to embrace these operators, but he wanted to express his concerns.

Commissioner Tobin prefers not having shows on the streets.

Discussion continued.

Stanley Shapiro suggested having a Task Force to have public input.

Discussion continued.

Mayor Levine asked if they want to legalize certain shows, or enforce the Code all the way. He is opposed to what is being suggested.

Commissioner Grieco would like to see if the City Manager's Office and perhaps Commissioner Weithorn could come up with solutions.

Commissioner Steinberg asked for the definition of outdoor show. Mr. Jimenez explained that the performers at the Palace come down at the sidewalk and this is against the Code.

Frank Del Vecchio stated that there was extensive opposition years ago for people/performers coming out into the streets. This is the wrong direction to take. The residents need a classy Ocean Drive.

Discussion held.

Larry Colin agrees with Mr. Del Vecchio.

Discussion held.

Commissioner Grieco referred the item to Land Use and Development Committee; seconded by Commissioner Weithorn; Voice-vote; 6-0; Absent: Commissioner Wolfson.

11:37:47 a.m.

ADDENDUM MATERIAL 1:

R9P Discussion Regarding Annual Report Card For Single Family Homes New Built Applications And Lot Coverage.

(Requested by Commissioner Michael Grieco)

ACTION: Discussion held.

Commissioner Grieco introduced the item.

Thomas Mooney, Planning Department Director, explained that an LTC from early November summarized the permit activity that took place after zoning in progress went into effect in September 2013. Some of the homes submitted in August or September 2014 they were not able to report the data, but based upon the DRB applications and those submitted for building permits alone, they have seen an average lot coverage of 28%; and an average unit size of 20%. What this shows is that while most of the homes seem to be close to the 30%, not every single-family application was maxing out at 30% lot coverage and 50% unit size. When the Commission adopted the revised single-family regulation this year, the definition of lot coverage was tightened. With regard to unit size, there were a number of homes that did not max out at 50%. As part of the survey, they did not use the homes grandfathered under the previous Code.

Commissioner Grieco stated that many people were concerned with out of scale homes, and commended Vice-Mayor Malakoff for her efforts on this issue.

Vice-Mayor Malakoff suggested revisiting this in six months. As setbacks are greater and sizes are smaller, this is going to be helpful. She thanked Mr. Mooney for his efforts. Item to come back on June 10, 2015. **Thomas Mooney to handle.**

11:41:46 a.m.

ADDENDUM MATERIAL 2:

R9Q Discussion Regarding Issuing An RFP For Parking Attendants For The City's Parking Garages With The Term Agreement Commencing On August 16, 2015, The Day Following The Expiration Of The City's Agreement With SP Plus Municipal Services (Contract No.: RFP -17-10/11).

(Requested by Commissioner Jonah Wolfson)

ACTION: Item deferred to January 14, 2015 by acclamation.

Commissioner Weithorn suggested deferring this item in Commissioner Wolfson's absence.

R10 - City Attorney Reports

SUPPLEMENTAL MATERIAL 1 :Memorandum

R10A City Attorney's Status Report.

(Office of the City Attorney)

ACTION: Report given.

Reports and Informational Items

1. Reports and Informational Items (see LTC 408-2014)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months
From Their Referral Date.
(Office of the City Clerk)

End of Regular Agenda

7:04:53 p.m.

For the record, items R5G, R5H and R5I will be opened and continued until tomorrow, December 18, 2014 at the Special City Commission Meeting after 3:00 p.m. (Clerk's Note: Correction: Items to heard after 5:00 p.m.) Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson.

Meeting adjourned at 7:05:36 p.m.